

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

* * * * *

FINAL ORDER OF REVOCATION
OF PHARMACY TECHNICIAN'S REGISTRATION

On August 18, 2021, the State Board of Pharmacy (the "Board") notified **DERRICK PHAM, PHARMACY TECHNICIAN**, the Respondent, **Registration No. T06324**, of its Intent to Revoke his Pharmacy Technician 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 Board bases its action on the Respondent's violation of the following provisions of its Act, Md. Code Ann., Health Occupations ("Health Occ."), §§ 12-101 *et seq.* (2014 Repl. Vol. and 2020 Supp.) and Code of Maryland Regulations (COMAR):

Health Occ. § 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:

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

- (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, the underlying grounds for Board action under § 12-313 include:

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

The pertinent provision of the Board's regulations under Code Md. Regs. ("COMAR") § 10.34.10 Pharmacist, Pharmacy Intern, and Pharmacy Technician Code of Conduct, provides:

.01 Patient Safety and Welfare.

B. A pharmacist may not:

- (3) Engage in unprofessional conduct.

**FACTS THAT WARRANT
THE REVOCATION OF THE RESPONDENT'S REGISTRATION**

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 expired 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.¹

¹The names of facilities and/or individuals are confidential.

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 Zolpidem², 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 ³ 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 employment as a result. The Respondent was also arrested by the Montgomery County Police Department.⁴

6. Based upon on the above, on March 4, 2021, the Board filed a Summary Suspension against the registration of the Respondent who did not contest the Board’s Findings therein nor request a hearing.

² Zolpidem is used to treat insomnia.

³ Diethylpropion is used to produce weight loss. (The Respondent made no admission with regard to this drug.)

⁴ There is no record of criminal charges filed as of this Notice.

7. The Respondent's conduct as set forth above constitutes a violation of Health Occ. §§12-6B-09 (3) and/or (27), and/or Health Occ. § 12-313(25), and/or COMAR 10.34.10.01 B (3).

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes that the Respondent violated Health Occ. §§12-6B-09 (3) and (27), Health Occ. § 12-313 (25), and COMAR § 10.34.10.01 B (3).

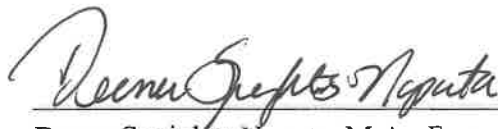
ORDER

As set forth above, the Board hereby Orders that the registration to practice as a Pharmacy Technician in Maryland held by **DERRICK PHAM**, the Respondent, Registration Number **T06324**, be and is **REVOKED**, and that this Order is public, pursuant to Md. Code Ann., General Provisions §§ 4-101 *et seq.* (2014 Vol. and 2020 Supp.).

NOTICE OF RIGHT OF APPEAL

In accordance with §12-316 of the Act and Md. Code Ann., State Government §§10-201, *et seq.* (2014 Repl. Vol. and 2020 Supp.), 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 aforesaid authority.

10-20-21
Date


Deena Speights-Napata, M.A., Executive Director
for Jennifer Hardesty, Pharm.D., President
State Board of Pharmacy