

IN THE MATTER OF	*	BEFORE THE
CHRISTINA M PINDELL, PHARM TECH	*	MARYLAND BOARD
Respondent	*	OF PHARMACY
Registration No.: T11450	*	Case No.: 18-181

* * * * *

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

The Maryland State Board of Pharmacy (the “Board”) notified **Christina M. Pindell**, Pharmacy Technician (“Pharm Tech”), **Registration Number T11450**, (the “Respondent”), of the Board’s intent to revoke her registration to practice as a pharmacy technician under the Maryland Pharmacy Act (the “Act”), Md. Health Occupations Code Ann. (“Heath Occ.”) §§ 12-101 *et seq.* (2014 Repl. Vol. and 2017 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: Md. Code Ann., Health Occupations (“Health Occ”) (2014 Repl. Vol. and 2017 Supp.).

§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 . . . , reprimand a registered pharmacy technician, place any registered pharmacy technician on probation, or suspend or revoke a registered pharmacy technician’s registration if the ... pharmacy technician registrant:

- ...
- (3) Fraudulently uses a pharmacy technician’s registration;
- ...
- (7) Willfully makes or files a false report or record as part of the registered pharmacy technician’s duties or employment;
- ...

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- (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 provision of the Board's regulations under the Code of Maryland Regulations ("COMAR") 10.34.10 provides:

01 Patient Safety and Welfare

B. A pharmacist may not:

- (3) Engage in unprofessional conduct.

FINDINGS OF FACT

1. At all times relevant hereto, the Respondent was registered to practice as a Pharm Tech in the State of Maryland. The Respondent was first registered as a Pharm Tech in Maryland on or about September 6, 2012. The Respondent's registration expires on April 30, 2020.
2. At all times relevant hereto, the Respondent was employed as a Pharm Tech at a national chain pharmacy (the "Pharmacy")¹. The Respondent was assigned to work at two (2) of the Pharmacy's locations: Location 1 in Temple Hills, Maryland and Location 2 in Upper Marlboro, Maryland.

Location 1

3. On or about January 3, 2018, the Board received an **Initial Notification of Controlled Substance Theft or Potentially Significant Loss** ("Notice 1") from Pharmacy's Location 1. The Notice stated that on January 2, 2018, "[s]uspected fraudulent prescriptions for Promethazine with Codeine² [were] dispensed from the pharmacy."

¹ For confidentiality and privacy purposes, the names of individuals and facilities involved in this case are not disclosed in this document. Upon written request, the Administrative Prosecutor will provide the information to the Respondent.

² Promethazine with Codeine is a Schedule V narcotic used as a pain reliever and a cough suppressant.

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4. By correspondence dated January 30, 2018, the Board received a DEA (Drug Enforcement Agency) -106 – Report of Theft or Loss of Controlled Substances (“Report 1”) from Pharmacy related to the loss referenced in Notice 1. Report 1 indicated that the loss was due to “Employee Pilferage.”

5. Report 1 listed the controlled substances that were lost/stolen as:

Trade Name	Dosage Str.	Quality Lost/Stolen
Promethazine VC-Codeine Syrup	5mg-10mg-6.25mg/5ml	142ml
Promethazine-Codeine Syrup	10mg-6.25mg/5ml	5,760ml

6. Report 1 noted that the value of the lost controlled substances was \$705.00.

Location 2

7. On or about February 13, 2018, the Board received an Initial Notification of Controlled Substance Theft or Potentially Significant Loss (“Notice 2”) from Pharmacy’s Location 2. The Notice stated that on February 12, 2018, “[a]n employee knowingly accepted and filled a fraudulent prescription for promethazine with codeine at this location.”

8. By correspondence dated February 21, 2018, the Board received a DEA-106 – Report of Theft or Loss of Controlled Substances (“Report 2”) from Pharmacy related to the loss referenced in Notice 2. Report 2 indicated that the loss was due to “Employee Pilferage.”

9. Report 2 listed the controlled substances that were lost/stolen as:

Trade Name	Dosage Str.	Quality Lost/Stolen
Promethazine-Codeine Syrup	10mg-6.25mg/5ml	240ml

10. Report 2 noted that the value of the lost controlled substances was \$28.00.

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Pharmacy Internal Investigation

11. On or about February 28, 2018, the Board received a copy of the Respondent's admission statement ("Statement").

12. According to the Statement, on January 3, 2018, the Respondent was interviewed by a Pharmacy Loss Prevention Manager ("Manager"). The Respondent provided the following responses:

Q. During your employment with [Pharmacy] have you caused losses to the company and if so how did you create the loss[?]

A. Yes, someone that I knew was providing fake prescriptions I would fill them and provide them to him.

Q. When was the first time you created a loss to [Pharmacy] and how did you create the loss?

A. August 2017, I would tell him to come through the drive thru and take prescriptions from him. I processed [the] prescriptions. When [the] prescriptions were ready, I would tell him. Once at pick up I [would] take ID and enter a false ID number.

Q. When was the last time you caused this type of loss?

A. November 2017

Q. Where did you conduct this activity that created loss to [Pharmacy]?

A. [Location 2], [Location 1]

Q. Please list the type of medication the fraudulent scripts were for?

A. [P]romethazine with codeine and azithromycin³

Q. Who was the provider on the fraudulent scripts?

A. [Accomplice] was the person providing [the] prescriptions I do not know the doctor.

³ Azithromycin is not a controlled substance. It is an antibiotic used to treat bacterial infections.

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Q. Please specify your arrangement with [Accomplice] for processing and providing the medication listed here?

A. He would call to ask if I was working. Then he would come to [Pharmacy] through the drive thru. I'd take prescriptions from him and let him know when they were ready. We would meet later so he could give me money for processing the prescriptions. He would give me \$50 for promethazine w/ codeine and azithromycin each time.

...

Q. Can you clarify the amount and strength of the medication given?

A. [A]zithromycin 250mg[,] promethazine w/ codeine 240ml (8oz)[.]

Q. What is the total loss you have caused [Pharmacy]?

A. [\$]1,257.60

Q. How did you arrive at this figure?

A. [C]ash price for azithromycin 250mg [\$]34.40 cash price promethazine w/ codeine is \$28.39. 20 prescriptions processed = \$1,257.60

Q. Why did you create these losses to [Pharmacy]?

A. Started a new job and was not making ends meet. I was in trouble financially at the time of this loss.

...

Q. Did you know this was wrong and against company policy or against the law?

A. yes

...

Q. Do you have anything else to add?

A. Yes, I know what I was doing was wrong and I've never been in a situation like this out of the 6 years that I have worked for [Pharmacy]. I was in trouble with money and even though it was not much, it helped. I knew that eventually I would get caught. Everything that I have said in this interview is the truth. And if I could take all of this back I would.

13. On January 4, 2018, Pharmacy terminated the Respondent's employment.

14. Based on the information provided to the Board by Pharmacy, the Board has reason to believe that the Respondent diverted multiple medications over an extended time span.

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CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes that the Respondent violated Health Occ. §§ 12-6B-09 (3), (7), and (27), Health Occ. § 12-313 (25), and COMAR 10.34.10.01 B (3).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 19th day of December 2018, a majority of the quorum of the Board hereby

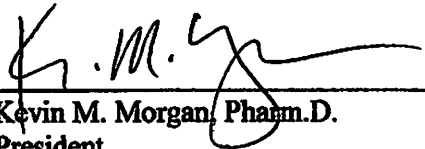
ORDERED that the Respondent, **Christina Pindell**, registration to practice as a pharmacy technician in the State of Maryland is hereby **REVOKED** and the Board will not accept, from the Respondent, any future applications for licensure, certification, and/or registration; and it is further

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 (2014).

12/19/18
Date



Kevin M. Morgan, Pharm.D.
President
Maryland Board of Pharmacy