

**IN THE MATTER OF
SHERIKA PINKNEY
PHARMACY TECHNICIAN
REGISTRATION NO. T04262**

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**BEFORE THE MARYLAND
STATE BOARD OF
PHARMACY
Case No. PT-17-021**

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**CONSENT ORDER TERMINATING
SUMMARY SUSPENSION**

Background

Based on information received and a subsequent investigation by the Maryland State Board of Pharmacy (the “Board”), and subject to the Maryland Pharmacy Act (the “Act”), Md. Code Ann., Health Occ. §§ 12-101, *et seq.*, and the Maryland Administrative Procedure Act, Md. Code Ann., State Gov’t §§ 10-201 *et seq.*, the Board issued an Order for Summary Suspension, dated March 23, 2017, in which it summarily suspended the pharmacy technician registration held by Sherika Pinkney (the “Respondent”), Registration No. T04262. Specifically, the Board found that reliable evidence demonstrated that a threat to the public health, safety, or welfare required emergency action, pursuant to Md. Code Ann., State Gov’t § 10-226(c)(2).

On August 30, 2017, the Board held a hearing before a quorum of the Board to allow the Respondent the opportunity to show cause why she did not pose an imminent threat to the health, safety, or welfare of the public, and why the summary suspension should be lifted. The Board now finds that the Respondent does not pose an imminent threat to the health, safety, or welfare of the public, provided that she comply with the terms and conditions set forth in this Consent Order.

FINDINGS OF FACT

1. At all relevant times, the Respondent was a registered pharmacy technician in the State of Maryland under Registration Number T04262. The Respondent was first registered on March 3, 2009. The Respondent's registration expired on February 28, 2017.

2. At all relevant times, the Respondent was employed as a pharmacy technician at a chain pharmacy located in Baltimore, Maryland.

3. On or about January 23, 2017, the pharmacy informed the Board that the Respondent had been terminated for "gross misconduct — integrity issues," namely diversion of Tramadol, 50mg, a Schedule IV Controlled Dangerous Substance.

4. The pharmacy provided further documentation indicating that the Respondent admitted, verbally and in writing, to filling and picking up a prescription for 40 tablets of Tramadol under a customer's name without authorization. Video from the pharmacy's closed-circuit security cameras confirmed the Respondent's admission.

5. On March 23, 2017, the Board issued an Order for Summary Suspension, immediately suspending the Respondent's registration to practice as a pharmacy technician, based on a finding that a threat to the public health, safety, or welfare required emergency action, pursuant to Md. Code Ann., State Gov't § 10-226(c)(2). Around the same time, the Board referred the Respondent for a mental health evaluation with a Board-approved evaluator.

6. On April 26, 2017, the Board received the evaluator's report. After reviewing the Respondent's traumatic history, the incident at issue, and the Respondent's current mental health treatment regime, the evaluator opined that the Respondent was safe to return to work but encouraged "continuing mental health counseling for at least a year."

7. Following the Respondent's request, the Board held a Show Cause Hearing with the Respondent in front of a quorum of the Board on August 30, 2017, to allow the Respondent the opportunity to show cause why she did not pose an imminent threat to the health, safety, or welfare of the public, and why the summary suspension should be lifted.

8. At the Show Cause Hearing, the Respondent admitted to, and apologized for, her diversion of Tramadol from her pharmacy employer. The Respondent discussed the childhood trauma and current issues that contributed to her actions. The Respondent also reviewed current steps she was taking, including her ongoing mental health treatment, to ensure that she would not do something similar if she was allowed to return to practice as a pharmacy technician.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board finds that the Respondent violated Md. Code Ann., Health Occ. §§ 12-6B-09(21) and (27).

ORDER

Based on agreement of the parties, it is this 30th day of November, 2017, by an affirmative vote of the Board, hereby:

ORDERED that the Respondent's registration shall be reinstated, provided that the Respondent applies for, and is otherwise qualified for, reinstatement of her registration; and be it further,

ORDERED that upon reinstatement, the Respondent's registration shall be placed on immediate PROBATION for at least EIGHTEEN (18) MONTHS, during which she shall:

1. Continue her current mental health treatment regime; and
2. Ensure that her psychiatrist and her therapist/counselor both provided quarterly progress reports to the Board; and be it further,

ORDERED that after eighteen (18) months of probation, the Respondent may petition the Board to terminate probation, provided that she has been fully compliant with the terms of probation and does not have any pending complaints filed against her; and be it further,

ORDERED that the Respondent's execution of this Consent Order shall constitute a release of any and all medical records, including psychological/psychiatric records, pertaining to the Respondent to the Board in complying with the terms and conditions set forth herein; and be it further,

ORDERED that the Respondent shall at all times cooperate with the Board in the monitoring, supervision, and investigation of the Respondent's compliance with the terms and conditions of this Consent Order; and be it further,


ORDERED that the Respondent's failure to fully cooperate with the Board shall be deemed a violation of this Consent Order; and be it further,

ORDERED that in the event the Board finds in good faith that the Respondent has violated any of the terms or conditions of this Consent Order, the Board may impose further disciplinary action against the Respondent's registration, including but not limited to suspending or revoking the respondent's registration, provided that the Respondent is first given the opportunity for a hearing; and be it further,

ORDERED that the Respondent shall bear all expenses associated with this Consent Order; and be it further,

ORDERED that this is a formal order of the Maryland Board of Pharmacy and as such is a public document pursuant to Maryland Code Ann., General Provisions § 4-333(b).

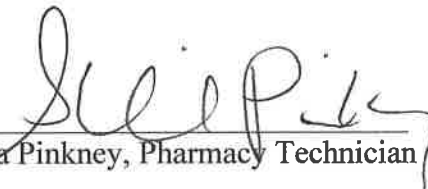
11-30-17
Date


Deena Speights-Napata, Executive Director
for
Mitra Gavgani, President
Maryland Board of Pharmacy

CONSENT

1. By signing this Consent, I hereby affirm the findings of fact contained herein and agree to be bound by the foregoing Consent Order and its conditions.
2. By this Consent, I submit to the foregoing Consent Order as a resolution of this matter. By signing this Consent, I waive any rights I may have had to contest the findings and determinations contained in this Consent Order.
3. I acknowledge that this is a formal order of the Board and as such is a public document.
4. I acknowledge the legal authority and the jurisdiction of the Board to enter and enforce this Consent Order.
5. I sign this Consent Order freely and voluntarily, after having had the opportunity to consult with counsel. I fully understand the language, meaning, and effect of this Consent Order.

10/27/17
Date

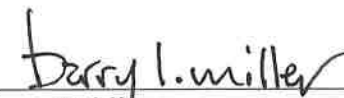


Sherika Pinkney, Pharmacy Technician

STATE OF MARYLAND
COUNTY/CITY OF Baltimore :

I hereby certify that on this 27 day of October, 2017, before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared Sherika Pinkney, and made an oath in due form that the foregoing Consent was her voluntary act and deed.

BARRY L. MILLER
NOTARY PUBLIC
CITY OF BALTIMORE
MARYLAND
My Commission Expires
Aug. 17, 2018



Notary Public
My commission expires: 8/17/18