

IN THE MATTER OF * BEFORE THE MARYLAND
JOHN SCHWENNINGER * STATE BOARD OF PHARMACY
PHARMACY TECHNICIAN *
RESPONDENT * CASE NO: 24-037
REGISTRATION NO.: T27045 *

* * * * *

ORDER FOR SUMMARY SUSPENSION

The Maryland State Board of Pharmacy (the “Board”) hereby **SUMMARILY SUSPENDS** the registration of **John Schwenninger** (the “Respondent”), Registration Number: **T27045**, to practice as a pharmacy technician in the State of Maryland under the Maryland Pharmacy Act (the “Act”), Md. Code Ann., Health Occ. (“Health. Occ.”) §§12-101 *et seq.* (2021 Repl. Vol. & 2023 Supp.).

The Board takes such action pursuant to its authority under Md. Code Ann., State Gov’t § 10-226(c) (2021 Repl. Vol. & 2023 Supp.), concluding that the public health, safety, or welfare imperatively requires emergency action.

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.¹

1. At all times relevant hereto, the Respondent was registered to practice as a pharmacy technician in the State of Maryland.

2. The Respondent was originally issued a registration to practice as a pharmacy technician in Maryland on or about July 21, 2022. The Respondent's registration expires on or about September 30, 2025.

3. At all times relevant hereto, the Respondent was employed at a retail pharmacy chain (the "Pharmacy")² located in Maryland.

4. On or about August 25, 2023, the Board received notification from the Pharmacy staff that three (3) tablets of Methylphenidate³ 20mg had been removed from a prescription bottle that had already been filled.

5. Pharmacy staff informed the Board that a pharmacist ("Pharmacist A") filled a prescription for Methylphenidate 20mg, placed the medication in a bag, and then stapled the bag closed. When Pharmacist A retrieved the prescription for pickup by the

¹ The statements regarding the Respondent's conduct are only intended to provide the Respondent with notice of the basis for the Board's action. 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 this matter.

² For confidentiality and privacy purposes, the names of individuals and the pharmacy involved in this case are not disclosed in this document. Upon written request, the Administrative Prosecutor will provide the information to the Respondent.

³ Methylphenidate is a central nervous system stimulant. It affects chemicals in the brain and nerves that contribute to hyperactivity and impulse control. It is a Schedule II Controlled Dangerous Substance ("CDS").

customer, Pharmacist A noticed that the bag containing the Methylphenidate 20mg had been opened and then resealed.

6. After noticing that the bag had been opened and resealed, Pharmacist A checked the contents of the medication bottle and found that three (3) tablets of Methylphenidate were missing from the medication bottle.

7. On or about September 1, 2023, Pharmacy staff investigated the missing controlled substance, reviewed the Pharmacy's security surveillance. The Respondent was observed on a Pharmacy camera refolding and stapling a previously filled prescription bag.

8. On or about September 14, 2023, the Respondent was interviewed by Pharmacy staff. During the interview, the Respondent admitted to Pharmacy staff verbally and in writing that he diverted Amphetamine Salts 20mg tablets and Methylphenidate 20mg tablets on several occasions.

9. Following his interview, the Respondent was terminated by Pharmacy staff.

10. On or about September 23, 2023, the Respondent was charged in the District Court for Allegany County, Maryland with one (1) count of theft less than one hundred (\$100) dollars and Possession of a Controlled Dangerous Substance.

CONCLUSIONS OF LAW

Based on the foregoing Investigative Findings, the Board concludes that the public health, safety, or welfare imperatively requires emergency action in this case, pursuant to Md. Code Ann., State Gov't. § 10-226(c) (2) (2021 Repl. Vol. & 2023 Supp.).

ORDER

Based on the foregoing Investigative Findings and Conclusions of Law, it is this 5th day of January 2024, by a majority of the quorum of the Board, it is hereby

ORDERED that the registration issued to the Respondent to practice as a pharmacy technician in the State of Maryland under registration number: T27045 is hereby **SUMMARILY SUSPENDED**; and it is further

ORDERED that the Respondent is prohibited from practicing as a pharmacy technician in the State of Maryland; and it is further

ORDERED that the Respondent has the opportunity to appear before the Board for a post-deprivation show cause hearing for a determination of whether the Summary Suspension should be continued. A request for a post-deprivation show cause hearing must be made in writing to the Board and be made **WITHIN THIRTY (30) CALENDAR DAYS** of the date of this Order; and it is further

ORDERED that if the Respondent fails to request a post-deprivation show cause hearing in writing in a timely manner, or if the Respondent requests a post-deprivation show cause hearing but fails to appear before the Board when the hearing is scheduled, the Respondent's registration shall remain **SUSPENDED**; and it is further

ORDERED that the Respondent shall immediately return all registrations (wall and wallet sized) to the Board; and it is further

ORDERED that this Order for Summary Suspension is a **PUBLIC** document, as defined in Md. Code Ann., General Provision §§ 4-101 *et seq.* & § 4-333 (2022 Rep. Vol. & 2023 Supp.).

1-5-24

Date



Deena Speights-Napata, M.A.
Executive Director for
Neil B. Leikach, PD
Board President
Maryland State Board of Pharmacy