

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

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

The Maryland State Board of Pharmacy (the "Board") notified **JOHN L. SCHWENNINGER** (the "Respondent"), Registration Number: **T27045**, of the Board's intent to **REVOKE** his registration 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 pertinent provisions of Health Occ. provide as follows:

§ 12-6B-09. Ground 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;

....

(22) Pledged guilty or nolo contendere to, or has been found guilty of, a felony or a crime involving moral turpitude, regardless of whether:

(i) An adjudication of guilt or sentencing or imposition of sentence is withheld; or

(ii) Any appeal or other proceeding is pending regarding the matter;

(23) Violates any provision of this title;

....

(25) Violates any rule or regulation adopted by the Board;

....

(27) Participates in any activity that is grounds for Board action under §12-313 or §12-409[.]

Health. Occ. §12-313.

....

(b) Subject to the hearing provisions of § 12-315 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny a license to any applicant for a pharmacist's license, reprimand any licensee, place any licensee on probation, or suspend or revoke a license of a pharmacist if the applicant or licensee:

....

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

COMAR 10.34.10.01 Patient Safety and Welfare.

....

A. A pharmacist shall:

(1) Abide by all federal and State laws relating to the practice of pharmacy and the dispensing, distribution, storage, and labeling of drugs and devices, including but not limited to:

(a) United States Code, Title 21,

(b) Health-General Article, Titles 21 and 22, Annotated Code of Maryland,

(c) Health Occupations Article, Title 12, Annotated Code of Maryland,

(d) Criminal Law Article, Title 5, Annotated Code of Maryland, and

(e) COMAR 10.19.03[.]

B. A pharmacist may not:

(1) Engage in conduct which departs from the standard of care ordinarily exercised by a pharmacist;

(2) Practice pharmacy under circumstances or conditions which prevent the proper exercise of professional judgment; or

(3) Engage in unprofessional conduct[.]

FINDING OF FACT

The Board finds:

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”)¹ located in Maryland.

4. On or about August 25, 2023, the Board received notification from the Pharmacy staff that three (3) tablets of Methylphenidate² 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 stapled the bag closed. When Pharmacist A retrieved the prescription for pickup by the 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 investigating the missing controlled substance reviewed the Pharmacy’s security surveillance camera. The Respondent was observed on the Pharmacy’s security surveillance camera refolding and stapling a previously filled prescription bag.

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.

² 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”).

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.

11. On or about May 22, 2024, the Respondent pleaded guilty and was found guilty to one (1) count of theft less than one hundred (\$100) dollars in the Circuit County for Allegany County, Maryland. The Respondent was sentenced to ninety (90) days in jail with all but six (6) days suspended.

12. The Respondent was placed on probation for three (3) years, ordered to undergo treatment for substance abuse, abstain from drugs, submit to random drug testing, and prohibited from working in a pharmacy.

CONCLUSIONS OF LAW

The Board concludes that the Respondent is in violation of §12-6B-09 (3), (22), (23), (25), and (27); §12-313(b) (25); H.O. § 12-313(25) and COMAR 10.34.10.01 A(1)(a)-(e) and B(3).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, a majority of a

quorum of the Board hereby:

ORDERED that the Respondent's registration to practice as a pharmacy technician in the State of Maryland is hereby **REVOKED**; and it is further


ORDERED that Respondent shall return to the Board all Maryland licenses 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 Order is reportable to the National Practitioners' Bank; and it is further

ORDERED that this document constitutes a formal disciplinary action of the Board of Pharmacy and is a public document for purposes of public disclosure, pursuant to Md. Code Ann., General Provisions §§ 4-333 *et seq.* (2019 Repl. Vol and 2023 Supp.).

12/18/27
Date



Kristopher Rusinko, Pharm.D.
Board President
Maryland State Board of Pharmacy

NOTICE OF RIGHT OF APPEAL

In accordance with § 12-316 of the Act and Md. Code Ann., State Government §§ 10-201, *et seq.* (2021 Repl. Vol. and 2023 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 with the Board within thirty days from your receipt of this Final Order and shall be made in accordance with the aforementioned authority.