

IN THE MATTER OF	*	BEFORE THE MARYLAND
STACY SHANHOLTZ	*	STATE BOARD
Pharmacy Technician	*	OF PHARMACY
Respondent	*	Case No. 23-307
Registration No. T04346	*	

* * * * *

FINAL ORDER OF REVOCATION
OF PHARMACY TECHNICIAN REGISTRATION

The Maryland Board of Pharmacy (“the Board”) notified **STACY SHANHOLTZ** (“the Respondent”), Registration Number **T04346**, of the Board’s intent to revoke her registration to practice as a pharmacy technician in the State of Maryland under the Maryland Pharmacy Act (“the Act”), Md. Code Ann., Health Occ. §§ 12-101 *et seq.* (2021 Repl. Vol. and 2023 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:

§ 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;
- (7) Willfully makes or files a false report or record as part of the registered pharmacy technician's duties or employment;
- (25) Violates any regulation adopted by the Board;
- (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(b) include:

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

The pertinent provisions of the Board's regulations under the Code of Maryland Regulations ("COMAR") 10.34.10 provide as follows:

COMAR 10.34.10.01. Pharmacist, Pharmacy Intern, and Pharmacy Technician Code of Conduct – 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:
 - (c) Health Occupations Article, Title 12, 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.

With respect to COMAR 10.34.10.01(A)(1)(e), the pertinent provisions of COMAR 10.19.03 provide as follows:

COMAR 10.19.03.08. Controlled Substances Listed in Schedule II.

A. Requirement of Prescription-Schedule II (21 CFR §1306.11).

- (1) A pharmacist may dispense directly a controlled dangerous substance listed in Schedule II, which is a prescription drug as determined under the Federal Food, Drug, and Cosmetic Act, only pursuant to a written prescription signed by the prescribing individual practitioner, except as provided in §A(4) of this regulation. Except as noted in §A(5)-(7) of this regulation, a prescription for a Schedule II controlled substance may be transmitted by the practitioner or the practitioner's agent to a pharmacy by facsimile equipment, if the original written, signed prescription is presented to the pharmacist for review before the actual dispensing of a controlled substance.

FINDINGS OF FACT

The Board makes the following findings of facts:

1. The Respondent was originally registered to practice as a pharmacy technician in the State of Maryland on or about March 6, 2009. The Respondent's registration expires on May 31, 2024. The Respondent's registration is currently suspended.¹

¹ On November 29, 2023, the Board issued an Order for Summary Suspension of the Respondent's registration to practice as a pharmacy technician pursuant to its authority under Md. Code Ann., State Gov't § 10-226(c)(2) and COMAR 10.34.01.12 concluding that the public health, safety, or welfare imperatively required emergency action in the case.

2. At all relevant times, the Respondent was employed as a pharmacy technician at an independent pharmacy (“the Pharmacy”)² in Hagerstown, Maryland.

3. In an e-mail dated February 4, 2023, the Pharmacy Owner notified the Board that he terminated the Respondent’s employment after discovering that she stole controlled substances from the Pharmacy. The Pharmacy Owner forwarded the Board a copy of the DEA (Drug Enforcement Agency) Form 106 – Report of Theft or Loss of Controlled Substances that he completed in this matter (“the Report”) as well as data from the Pharmacy’s software system.

4. In the Report, the Pharmacy Owner stated that the Respondent diverted a large quantity of oxycodone-acetaminophen (an opioid and Schedule II controlled dangerous substance (“CDS”)) by creating fake patient profiles and manipulating data in the Pharmacy’s software system to avoid detection.

5. In the Report, the Pharmacy Owner listed the following lost CDS:

Trade Name	NDC Number	Dosage Str.	Quantity Lost/Stolen
Oxycodone-Acetaminophen 10-325 mg tablet	31722095105	10 mg - 325 mg	4,493
Oxycodone-Acetaminophen 5-325 mg tablet	31722094905	5 mg - 325 mg	180
Oxycodone-Acetaminophen 10-325 mg tablet	42858010450	10 mg - 325 mg	1,860
Oxycodone-Acetaminophen 7.5-325 mg tablet	31722095005	7.5 mg - 325 mg	1,230

² For confidentiality and privacy purposes, the names of individuals and facilities involved in this case are not disclosed in this document.

6. In the Report, the Pharmacy Owner stated that the CDS taken had a purchase value of \$3,000 and that pharmaceuticals or merchandise taken had an estimated value of \$10,000.

7. In the Board's November 14, 2023 interview with the Pharmacy Owner, he stated that on one occasion in October 2022, the Pharmacy's computer system alerted him that a patient he was not familiar with was attempting to fill an oxycodone prescription for cash. In response, he reviewed the patient profile and found that a similar prescription was filled under this patient profile one week prior. He then directed Pharmacy staff to locate the original prescription. Pharmacy staff were unable to find the prescription. The following morning, he spoke to the Respondent, who admitted that she "had a problem" and was responsible for the missing prescription. The Respondent was suspended and asked to turn in her key. Subsequent review of the electronic record system revealed that the Respondent created several fictitious patient profiles.

8. Based on the above information, the Board has reason to believe that the Respondent diverted the aforementioned CDS from the Pharmacy.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes that the Respondent violated Health Occ. §§ 12-6B-09 (3), (7), (25) and (27), Health Occ. § 12-313(b) (25), COMAR 10.34.10.01 (A)(1)(c) and (e), COMAR 10.34.10.01 (B)(1), (2), and (3), and COMAR 10.19.03.08 (A)(1).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 24th day of June 2024, by a majority of the quorum of the Board hereby


ORDERED that the Respondent, **STACY SHANHOLTZ'S**, registration to practice as a pharmacy technician in the State of Maryland is hereby **REVOKED**; 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., Gen. Prov. § 4-101 *et seq.* & § 4-333 (2019 Repl. Vol. & 2023 Supp.).

6/24/2024
Date



Javier Vazquez, Pharm.D.
Secretary, Maryland Board of Pharmacy

NOTICE OF RIGHT TO APPEAL

Pursuant to Health Occ. § 12-316, you have a right to take a direct judicial appeal of this decision. A Petition for Judicial Review must be filed within thirty (30) days of service of this Order and shall be made as provided for judicial review of a final decision in Md. Code Ann., State Gov't §§ 10-201 *et seq.* (2021 Repl. Vol. & 2023 Supp.) and Title 7, Chapter 200 of the Maryland Rules.