

**IN THE MATTER OF** \* **BEFORE**  
**JANEAN SHAW** \* **THE**  
**PHARM TECH** \* **STATE BOARD**  
**Registration Number: T08363** \* **OF**  
**Respondent** \* **PHARMACY**  
\* **Case Number: 18-182**

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

On November 30, 2018, the State Board of Pharmacy (the "Board"), notified **JANEAN SHAW, PHARM TECHNICIAN** (Pharm Tech), the Respondent, **Registration No. T08363**, of its Intent to Revoke her Pharm Tech registration.

The Notice also informed the Respondent that, unless she requested a hearing in writing within 30 days of receipt of said Notice, the Board would sign the Final Order, which was enclosed. More than 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 its Act, Md. Code Ann., Health Occupations ("Health Occ."), §§ 12-101 *et seq.* (2014 Repl. Vol. and 2017 Supp.):

**Health Occ. § 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 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;

- (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, 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 Code Md. Regs. ("COMAR") § 10.34.10 Pharmacist, Pharmacy Intern, and Pharmacy Technician Code of Conduct, provides:

.01 Patient Safety and Welfare.

B. A pharmacist may not:

- (3) Engage in unprofessional conduct.

**FACTS THAT WARRANT  
THE REVOCATION OF THE RESPONDENT'S REGISTRATION**

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 on November 23, 2010. The Respondent's registration expired on May 31, 2018.

2. At all times relevant hereto, the Respondent was employed as a Pharm Tech at a pharmacy (the "Pharmacy") within a national chain at two locations; one in Clinton, Prince George's County, and the other in Baltimore, Maryland.<sup>1</sup>

3. By a letter dated January 30, 2018, the Pharmacy reported to the Board that there had been a loss or theft due to employee pilferage, and the Respondent was terminated from employment for committing the thefts.

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<sup>1</sup> The names of facilities and/or individuals are confidential.

4. The Pharmacy submitted the required Drug Enforcement Administration (DEA) "Report of Theft or Loss of Controlled Substances" for the Clinton location which indicated the following, *inter alia*:

- A. The Report named the Respondent as the employee responsible for the pilferage;
- B. The value of the controlled substances was \$3,502;
- C. The Employee admitted the drug diversion;
- D. The Pharmacy indicated that all Loss Prevention policy and procedures will be reviewed with the team including diligent inventory management, bag and smock checks, as well as no personal items allowed in the pharmacy; and
- E. The losses listed were Tramadol HCL<sup>2</sup> , 50 mg, 9,037 tablets.

5. By a report dated January 30, 2018, the Pharmacy also notified the Board of theft of controlled substances from its Baltimore City store. It enclosed a DEA report which stated, *inter alia*:

- A. The Report named the Respondent as responsible for the employee pilferage;
- B. It indicated that the value of the controlled substances was \$5, 346;
- C. The Pharmacy indicated that all Loss Prevention policy and procedures would be reviewed as discussed in paragraph 4D above; and,

D. The pilfered drugs were listed as:

Tramadol HCL, 50 mg	3,507 tablets
Alprazolam <sup>3</sup> , 1 mg	940 tablets
Alprazolam, 2 mg	701 tablets

6. The Respondent admitted, orally and in writing, to the thefts and signed a Promissory Note to repay the Pharmacy \$9,000.

7. As a result of the above thefts, on May 29, 2018, the Board issued an Order for Summary Suspension of the Respondent's registration. The Respondent failed to request a hearing and/or contest the findings.

8. As set forth above, by diverting drugs from her pharmacy employer, the Respondent is in violation of Health Occ. §12-6B-09 (3) (Fraudulently uses a pharmacy technician's registration); §12-6B-09 (27) (Participates in any activity that is grounds for Board action under § 12-313), namely, § 12-313 (b) (25) (Violates any rule or regulation adopted by the Board); and, COMAR § 10.34.10 01 (Patient Safety and Welfare. B. A pharmacist may not: ( 3) Engage in unprofessional conduct.)

9. The Respondent's conduct, as set forth above, constitutes a violation of Health Occ. §§ 12-6B-09 (3) and (27), Health Occ. § 12-313(25), and COMAR § 10.34.10.01 B (3).

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<sup>2</sup> Tramadol Hydrochloride is a pain reliever used to treat moderate to severe pain in adults.

<sup>3</sup> Alprazolam is a benzodiazepine used to treat anxiety and panic attacks.

**CONCLUSIONS OF LAW**

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

**ORDER**

As set forth above, the Board hereby Orders, that the registration to practice as a Pharmacy Technician in Maryland held by **JANEAN SHAW**, the Respondent, Registration Number **T08363**, be and is **REVOKED**, and that this Order is public, pursuant to Md. Code Ann., General Provisions §§ 4-101 *et seq.* (2014 Vol. and 2017 Supp.).

**NOTICE OF RIGHT OF APPEAL**

In accordance with §12-316 of the Act and Md. Code Ann., State Government. §§10-201, *et seq.* (2014 Repl. Vol. and 2017 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 within thirty days from your receipt of this Final Order and shall be made in accordance with the aforesaid authority.

Date

1/16/19

  
Kevin Morgan, Pharm.D., President  
State Board of Pharmacy