

IN THE MATTER OF * **BEFORE THE**
PATRICE SHELTON, PHARM TECH * **STATE BOARD**
Registration No.: T17157 * **OF**
Respondent * **PHARMACY**
* **Case No. PT-17-012**

* * * * *

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

On November 21, 2018, the State Board of Pharmacy (the "Board"), notified **PATRICE SHELTON**, Pharmacy Technician (Pharm Tech), **Registration No. T17157**, the Respondent, 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 Maryland. The Respondent was first registered on October 20, 2015. The Respondent's registration expired on June 30, 2017.

2. At all times relevant hereto, the Respondent was employed as a Pharm Tech at a pharmacy in Berlin, Worcester County, Maryland, hereinafter the "Pharmacy."¹

¹The names of the individuals and facilities are confidential.

3. The Board received documentation, dated September 6, 2016, from the Pharmacy that a “theft of control (*sic*) substance (*sic*) had occurred.” The details were, *inter alia*, as follows:

- A. On September 1, 2016, the Co-Owner of the Pharmacy discovered that Alprazolam², 1 mg, tablets were missing when attempting to fill a prescription for one of the Pharmacy’s “patients”;
- B. The incident was not discovered until the Co-Owner of the Pharmacy found a bottle missing from the Pharmacy;
- C. The Co-Owner of the Pharmacy reviewed a purchase history and determined that the purchase date for the Alprazolam was August 16, 2016, for a bottle of 1000 tablets;
- D. The Co-Owner of the Pharmacy completed a report of all prescriptions dispensed in the month of August and determined that the Pharmacy only dispensed 370 tablets of the medication, meaning that a theft had occurred;
- E. The Co-Owner of the Pharmacy then reviewed the Pharmacy’s prior purchases and determined that the thefts occurred from November 2015 to August 2016, inasmuch as a bottle of 1000 tablets was purchased each month and approximately only 350 tablets were filled per month;

² Alprazolam, available under the trade name Xanax, is a short-acting *anxiolytic* of the benzodiazepine class. It is commonly used for the treatment of panic disorder, and anxiety disorders, such as generalized anxiety disorder (GAD) or social anxiety disorder (SAD).

- F. After doing an inventory check, it was discovered that a total of 8, 294 tablets of the drug were missing;
- G. The Respondent confessed to stealing the medication from the Pharmacy.
- H. As a result, the Respondent's employment with the Pharmacy was terminated;

4. The Pharmacy submitted a Drug Enforcement Administration (DEA) "Report of Theft or Loss of Controlled Substances", as required, reiterating the information contained in the letter to the Board.

5. Based upon the above, on November 22, 2016, the Board issued an Order for Summary Suspension in which it summarily suspended the Respondent's registration. The Respondent failed to request a hearing and/or to contest the Board's findings.

6. The Respondent's conduct as set forth above constitutes a violation of Health Occ. §§12-6B-09 (3) and (27), Health Occ. §2-313(25), and COMAR §10.34.10.01 B (3).

CONCLUSIONS OF LAW

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

ORDER

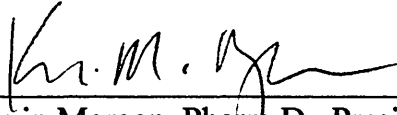
As set forth above, the Board hereby Orders, that the registration to practice as a Pharmacy Technician in Maryland held by **PATRICE SHELTON**, the Respondent,

Registration Number T17157 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.

1/16/2019
Date


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