

**IN THE MATTER OF**  
**MATTHEW G. SHERMAN**  
**RESPONDENT**

**REGISTRATION NO.: T17274**

**\* BEFORE THE**  
**\* MARYLAND BOARD**  
**\* OF PHARMACY**  
**\* CASE NO: 19-328**

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

The Maryland Board of Pharmacy (“the Board”) notified **Matthew G. Sherman,** Registration No.: **T17274** (the “Respondent”), of the Board’s intent revoke his registration to practice as a pharmacy technician, under the Maryland Pharmacy Act (the “Act”), Md Code Ann., Health Occ. (“Health Occ.”) §§ 12-101 *et seq.* (2014 Repl. Vol. and 2020 Supp.). The pertinent provisions of the Act state:

**Health. Occ. §12–6B–09.**

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:

- ....
- (2) Fraudulently or deceptively obtains or attempts to obtain a pharmacy technician’s registration for the applicant or assists or attempts to assist another in fraudulently or deceptively obtaining a pharmacy technician’s registration;
  - (3) Fraudulently uses a pharmacy technician’s registration;
  - ....
  - (22) Pleaded 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[.]

### **FINDINGS OF FACT**

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 November 18, 2015.
3. The Respondent's registration expired on or about February 28, 2021.
4. On or about April 2, 2019, the Board received information from a detective ("Detective A") of the Montgomery County Police Department ("Montgomery County Police"), regarding the Respondent's conduct when he was employed as a pharmacy technician, at various pharmacies throughout Montgomery County, Maryland.<sup>1</sup>
5. Detective A informed Board staff that the Respondent had pilfered Xanax from various pharmacies.<sup>2</sup> Detective A also informed Board staff that the Respondent had been criminally charged with similar conduct in 2018.

### **Respondent's Conduct involving Pharmacy A**

6. An investigation conducted by Board staff revealed that in or around August 2018, an employee working at a national retail pharmacy ("Pharmacy A") located in

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<sup>1</sup> The names of Detective A, Pharmacy A, B, and C are not identified in this document for privacy reasons.

<sup>2</sup> Xanax is a Schedule IV controlled dangerous substance. The generic name for Xanax is Alprazolam.

Gaithersburg, Maryland, contacted Detective A and stated that the Respondent had presented fraudulent prescriptions that were filled at several Pharmacy A locations. Most of the fraudulent prescriptions were for Xanax.

7. The Respondent presented fraudulent prescriptions for Xanax that were filled at various Pharmacy A locations on May 1, 2018, May 28, 2018, June 24, 2018, June 30, 2018, July 23, 2018, July 29, 2018, and September 28, 2018.

8. The Respondent presented fraudulent prescriptions that were in his name and the names of other people.

9. Further investigation by Board staff revealed that after reviewing surveillance videos from Pharmacy A locations, Pharmacy A employees identified the Respondent as the person who dropped off and/or picked up the medication.

10. Detective A and Pharmacy A employees also confirmed the Respondent's identity after viewing a copy of the Respondent's driver's license that was on file at various Pharmacy A locations.

11. The Respondent was terminated by Pharmacy A on or about January 20, 2018.

12. The Respondent's conduct at Pharmacy A resulted in criminal charges. On October 15, 2018, in the District Court for Montgomery County, Maryland, the Respondent was charged with thirty-four (34) counts involving the use of fraudulent prescriptions to obtain Xanax.

13. On or about December 27, 2018, the Respondent pleaded guilty in the District Court for Montgomery County, Maryland, to one (1) count of obtaining a controlled substance by fraud, in violation of obtaining a controlled dangerous substance of Schedule IV, to wit: Xanax by fraud, deceit, misrepresentation, and subterfuge, in violation of Md. Code Ann, Criminal Law § 5-601(a)(2).

14. The Respondent received probation before judgment. He was also placed on supervised probation for two (2) years and ordered to pay a two thousand dollar (\$2000) fine.

**Respondent's Conduct involving Pharmacy B**

15. An investigation by Board staff revealed that on or about March 26, 2019, the Respondent began work as a pharmacy technician at a pharmacy ("Pharmacy B"), located in Montgomery Village, Maryland.

16. On or about March 27, 2019, the owner of Pharmacy B discovered approximately 266 tablets of Alprazolam 2 mg missing from the pharmacy.

17. After discovering the medication loss, Pharmacy B's owner viewed the video from the pharmacy security camera. The Respondent was observed in the video, removing a bottle of Alprazolam from the pharmacy shelf and taking the medication into the bathroom. After leaving the bathroom, the Respondent was seen returning the bottle to the pharmacy shelf.

18. The Respondent was also seen taking two additional medication bottles from the pharmacy shelf and placing the bottles in his pocket.

19. After observing the Respondent in the video, the owner of Pharmacy B contacted the Montgomery County Police.

20. The Montgomery County Police responded to Pharmacy B and recovered a prescription bottle containing several tablets of Alprazolam 2mg from the Respondent. The Montgomery County police noticed that the label on the prescription bottle was not the same strength as the medication that was taken from the Respondent.

21. The Respondent was terminated from Pharmacy B on or about March 28, 2019.

#### **Respondent's Conduct involving Pharmacy C**

22. An investigation by Board staff revealed that on or about December 3, 2018, the Respondent began working as a pharmacy technician at a pharmacy ("Pharmacy C") located in Gaithersburg, Maryland.

23. On or about December 21, 2018, the Respondent was terminated from Pharmacy C. The owner of Pharmacy C suspected that the Respondent was involved in fraudulent activity at Pharmacy C. The owner of Pharmacy C told the Montgomery County Police that the Respondent had deposited money belonging to Pharmacy C into his personal banking account.

24. The Respondent was terminated from Pharmacy C on or about December 21, 2018.

### **Other criminal involvement**

25. In or around May 2019, the Respondent was arrested by the Gaithersburg City Police Department (“Gaithersburg Police”) located in Gaithersburg, Maryland. During a search of the Respondent, the Gaithersburg Police found 182 Xanax tablets in an unlabeled bottle.

26. On or about June 3, 2019, the Montgomery County Police executed a search and seizure warrant of the Respondent’s residence.

27. During the execution of the warrant, Detective A and other members of Montgomery County Police seized 275 tablets of Alprazolam .5mg and 4 tablets of Alprazolam 1mg from the Respondent’s residence. The medication seized by the Montgomery County Police was in unlabeled bottles and clear baggies.

28. On or about August 2014, the Respondent pleaded guilty to theft under \$1000, in the District Court for Montgomery County, Maryland. The Respondent was ordered to pay a fine in the amount of \$150 (one hundred and fifty) dollars and court costs.

### **Registration Applications**

29. On or about September 1, 2015, the Respondent submitted an Application for Pharmacy Technician Registration (“2015 Application”). Despite his 2014 guilty plea, Respondent answered “No” to the following Personal Attestation Question on his Application:

Have you committed a criminal act for which you pled guilty or nolo contendere...or pending charges against you in any court?

30. On or about April 10, 2017, the Respondent submitted an Application for Pharmacy Technician Registration-Reinstatement (“2017 Reinstatement-Application”). Despite his 2014 guilty plea, the Respondent answered “No” to the following Personal Attestation Question on his 2017 Reinstatement Application:

Have you committed a criminal act for which you pled guilty or nolo contendere...or pending charges against you in any court?

31. On or about December 31, 2018, the Respondent filed an Application for Renewal of his Registration (“2018 Renewal Application”). Despite his termination from Pharmacies A, B, and C and his pleas of guilty to criminal charges on August 7, 2014, and December 27, 2018, the Respondent answered “No” to the following Personal Attestation Questions on his 2018 Renewal Application:<sup>3</sup>

5. Has your employment by any pharmacy, clinic, healthcare practice or wholesale drug distributor been terminated for disciplinary reasons?

6. Have you committed a criminal act for which you pled guilty or nolo contendere...or pending charges against you in any court?

32. On September 9, 2019, the Board summarily suspended the Respondent’s registration after concluding that the Respondent’s conduct as set forth above required emergency action.

33. The Respondent’s conduct as set forth above violates Health Occ.§12-6B-09 (2) and (22).

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<sup>3</sup> The Respondent filed his 2018 Renewal Application on December 31, 2018.

**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 the Board will not accept from the Respondent, any future applications for a registration or license to practice as a pharmacy technician and/or pharmacist; and it is further

**ORDERED** that Respondent shall return to the Board all Maryland 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 Order is reportable to the National Practitioner Bank; and it 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 §§ 4-101 *et seq.* (2014 Repl. Vol and 2020 Supp.).

8/18/21

\_\_\_\_\_  
Date



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Jennifer L. Hardesty, Pharm.D.  
President, Maryland Board of Pharmacy