

IN THE MATTER OF	*	BEFORE THE
BRANDON SMITH, PHARM TECH	*	STATE BOARD
Registration No.: T15589	*	OF
Respondent	*	PHARMACY
	*	Case No. PT-16-021

* * * * *

ORDER FOR SUMMARY SUSPENSION

Pursuant to Md. State Gov't. (SG) Code Ann. §10-226 (c) (2) (2014 Repl. Vol. II), the State Board of Pharmacy (the "Board") hereby suspends the registration to practice as a Pharmacy Technician (Pharm Tech) in Maryland issued to **BRANDON SMITH**, (the "Respondent"), under the Maryland Pharmacy Act (the "Act"), Md. Health Occ. Code Ann. §§ 12-101 *et seq.* (2014 Repl. Vol. II). This Order is based on the following investigative findings, which the Board has reason to believe are true:

INVESTIGATIVE FINDINGS¹

1. At all times relevant hereto, the Respondent was registered to practice as a Pharmacy Technician in Maryland. The Respondent was first registered on December 4, 2014. The Respondent's registration expires on October 31, 2016.
2. At all times relevant hereto, the Respondent was employed as a Pharmacy Technician at a chain pharmacy in Silver Spring, Montgomery County, Maryland, hereinafter "Pharmacy A²."

¹The allegations set forth in this document are intended to provide the Respondent with notice of the Board's action. They are not intended as, and do not necessarily represent a complete description of the evidence, either documentary or testimonial to be offered against the Respondent in connection with this action.

²The names of the individuals and entities herein are confidential but may be disclosed to the Respondent by contacting the Administrative Prosecutor.

3. On or about January 22, 2016, the Board received a Drug Enforcement Administration (DEA) "Report of Theft or Loss of Controlled Substances" indicating that there was employee pilferage at Pharmacy A involving a prescription for Oxycodone-Acetaminophen³, 5-325 mg.

4. Further documentation from Pharmacy A received at the Board on or about February 23, 2016, demonstrated the following:

- A. Several losses of controlled substances were suspected in the waiting bin of Pharmacy A;
- B. Pharmacy A investigators reviewed the closed circuit video for the dates to determine behaviors conducive to diversion;
- C. On January 1, 2016, the Respondent was viewed on the video at Pharmacy A registers and, based on the timing that the narcotics went missing, Pharmacy A investigators decided to question the Respondent;
- D. The Respondent was interviewed on January 13, 2016 and admitted, both verbally and in writing, to stealing the narcotics out of the waiting bin at Pharmacy A for self-medication;
- E. The police were notified and the Respondent was arrested;
- F. The Respondent's employment with Pharmacy A was also terminated.

³Oxycodone is an opioid pain medication. An opioid is sometimes called a narcotic. Acetaminophen is a less potent pain reliever that increases the effects of oxycodone. Acetaminophen and oxycodone is a combination medicine used to relieve moderate to severe pain. In this combination, there are 5 mg of oxycodone and 325 mgs of acetaminophen.

5. In addition to the above admitted theft, the Board was advised by the Prince George's County Police that, on May 23, 2016, the Respondent had been arrested for trying to pass a fraudulent prescription at Pharmacy B located inside of a healthcare facility. The pharmacist at Pharmacy B had spoken with the alleged prescriber who denied that he prescribed the Respondent 60 Oxycodone, 10 mg. tablets. Therefore, the pharmacist at that facility alerted the police who confirmed that the prescriber did not have the Respondent as a patient and did not issue the prescription. When the officer searched the Respondent's vehicle, she found a false prescription for Motrin⁴, 800 mg, as well.

6. As a result of the arrest in Paragraph #5, the Respondent was criminally charged with 25 counts in the District Court of Maryland for Prince George's County including, attempting CDS by altering prescriptions, to attempting prescription by forgery, etc.

CONCLUSIONS OF LAW

Based on the foregoing, the Board finds that the public health, safety or welfare imperatively requires emergency action, pursuant to Md. St. Gov't. Code Ann. §10-226 (c) (2) (2014 Repl. Vol. II.).

ORDER

Based on the foregoing, it is therefore this 25th day of August, 2016, by a majority vote of a quorum of the State Board of Pharmacy, by authority granted to the Board by Md. St. Gov't Code Ann. §10-226(c) (2) (2014 Repl. Vol. II), the

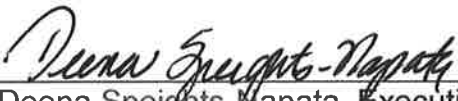
⁴Motrin is used in the treatment of pain and belongs to the class of drugs called non-steroidal anti-inflammatory agents (NSAIDS).

registration held by the Respondent to practice as a Pharmacy Technician in Maryland, Registration No. T15589 is hereby **SUMMARILY SUSPENDED**; and be it further

ORDERED that upon the Board's receipt of a written request from the Respondent, a Show Cause Hearing shall be scheduled within a reasonable time of said request, at which the Respondent will be given an opportunity to be heard as to whether the Summary Suspension should be continued, regarding the Respondent's fitness to practice as a Pharmacy Technician and the danger to the public; and be it further

ORDERED, that the Respondent shall immediately turn over to the Board his wall certificate and wallet-sized registration to practice as a Pharm Tech issued by the Board; and be it further

ORDERED, that this document constitutes a final Order of the Board and is, therefore, a public document for purposes of public disclosure, as required by Md. Code Ann. Gen. Prov., §§ 4-101 *et seq.* (2014 Vol.).



Deena Speights-Mapata, Executive Director
Board of Pharmacy

NOTICE OF HEARING

A Show Cause hearing to determine whether the Summary Suspension shall be continued will be held before the Board at 4201 Patterson Avenue, Baltimore, 21215 following a written request by the Respondent for same.