

IN THE MATTER OF

KYLE TANG, R.Ph.

License No. 25521

RESPONDENT

*** BEFORE THE**

*** MARYLAND BOARD**

*** OF PHARMACY**

*** Case No. 23-422**

* * * * *

CONSENT ORDER

Procedural Background

Based on information received and a subsequent investigation by the Maryland Board of Pharmacy (the “Board”), and subject to the Maryland Pharmacy Act (the “Act”), Md. Code Ann., Health Occ. §§ 12-101 *et seq.*, and the Maryland Administrative Procedure Act, Md. Code Ann., State Gov’t §§ 10-201 *et seq.*, the Board issued an Order for Summary Suspension dated September 27, 2023, in which it summarily suspended the pharmacist license held by Kyle Tang, R.Ph. (the “Respondent”). Specifically, the Board found reliable evidence demonstrated that the public health, safety or welfare imperatively required emergency action, pursuant to Md. Code Ann., State Gov’t §10-226(c)(2).

On November 29, 2023, the Board held a remote hearing before a quorum of the Board to allow the Respondent the opportunity to show cause why the Respondent did not pose an imminent threat to the health, safety and welfare of the public. In lieu of a continued summary suspension and charges, the Respondent and the Board agreed to resolve the matter by way of this Consent Order with the terms contained herein.

FINDINGS OF FACT

1. At all times relevant, the Respondent was licensed to practice pharmacy in the State of Maryland. The Respondent was originally licensed to practice pharmacy in Maryland on or about January 16, 2018. The Respondent's license is active and is set to expire on January 31, 2025.
2. At all times relevant, the Respondent was employed as a pharmacist at a national chain pharmacy ("the Pharmacy")¹ location ("Store 1") in Ocean City, Maryland.
3. On or about May 23, 2023, the Pharmacy notified the Board that one of its pharmacists, the Respondent, signed a written statement in which he admitted to diverting generic Adderall from the Pharmacy for personal use by creating and filling fraudulent prescriptions, as well as writing prescriptions for non-controlled medications and dispensing them to family members.
4. In response, the Board initiated an investigation of the Respondent under Case Number 23-422. As part of its investigation, the Board obtained and reviewed, *inter alia*, documents from the Pharmacy's internal investigation.
5. The Pharmacy initiated an internal investigation in December 2022 after an employee flagged 16 prescriptions for generic Adderall entered, filled, and sold by the Respondent between April 2022 and December 2022 as potentially fraudulent with fictitious patient profiles.

¹ For confidentiality and privacy purposes, the names of individuals and facilities involved in this case are not disclosed in this document. The Respondent has been provided with the names of all individuals referenced in this document.

6. The Pharmacy's electronic record system revealed that records of the 16 fraudulent prescriptions contained scanned images of blank paper, random paperwork, or prescriptions for patients other than the patient of record.
7. The Pharmacy discovered that some of the 16 fraudulent prescriptions were paid for with a credit card linked to the Respondent.
8. Video recordings from Store 1's security cameras confirmed that, when some of the 16 fraudulent prescriptions were purchased, the Respondent was the only person at the register and/or he could be seen concealing the drugs on his person after the sale.
9. Additional CCTV footage shows the Respondent ingesting medication from a prescription vial he kept in his pants pocket on August 13, 2022, and October 9, 2022.
10. The Pharmacy determined that two additional fraudulent prescriptions for generic Adderall with similar fictitious patient profiles were filled at two other Pharmacy locations.
11. In total, the Pharmacy determined that the Respondent diverted approximately 1,395 tablets of generic Adderall (dextroamphetamine-amphetamine) using 18 fraudulent prescriptions.
12. Further investigation of the Respondent's dispensing activity revealed that he also filled and listed himself as the prescriber for several non-controlled medications, including Paxlovid, Methylprednisolone, Scopolamine, and Azithromycin.

13. On December 22, 2022, the Pharmacy's Senior Manager of Investigations interviewed the Respondent. During this interview, the Respondent admitted to processing approximately 18 fraudulent prescriptions for generic Adderall since April 2022, amounting to the diversion of 1,395 tablets. The Respondent admitted to creating fictitious patient names, using fictitious addresses or the address of a property he owned, using the names of known prescribers without their authorization, and scanning random paperwork into the Pharmacy's electronic system to create fictitious patient profiles and fraudulent prescriptions for the purpose of obtaining generic Adderall for personal use. The Respondent also admitted to billing the fraudulent prescriptions through an online prescription savings plan, concealing the prescription vials in his pants pocket while at the store, ringing up his own sales, paying for the medications, and ingesting 1-3 tablets per day while working in the Pharmacy. The Respondent also admitted to writing several prescriptions for non-controlled medications (listing himself as the prescriber) and dispensing them to family members and friends.
14. During the interview, the Respondent wrote and signed a two-page statement admitting to the above-described misconduct. As part of his written statement, the Respondent provided, *inter alia*, "Since April 2022, I have been diverting generic Adderall 30mg tablets from the pharmacy to support a personal habit that has gotten out of control." The Respondent further explained that he was diverting approximately 90 tablets every few weeks. Within his written statement, the

Respondent listed three doctors whose names he used for the fraudulent prescriptions as well as four fictitious patient names.

15. At the conclusion of the interview, the Pharmacy placed the Respondent on suspension and turned the case over to the Ocean City Maryland Police Department.
16. On or about July 19, 2023, the Respondent was criminally charged with 49 counts related to the diversion of generic Adderall from the Pharmacy between April 2022 and December 2022 in case number D-02-CR-23-000917 in the District Court of Maryland for Worcester County. On October 2, 2023, the Respondent was sentenced to one (1) year incarceration suspended and three (3) years of supervised probation which includes enrollment in a rehabilitation program and urine screens.

CONCLUSIONS OF LAW

Based upon the foregoing findings of fact, the Board concludes that the Respondent is subject to discipline pursuant to Md. Code Ann., Health Occ. §§ 12-313(b)(21) and (25), Health Gen. § 21-220, COMAR 10.34.10.01A(1) and B(2), and COMAR 10.19.03.07 .

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, by a majority vote of the Board it is hereby:

ORDERED that the Order of Summary Suspension, dated September 27, 2023, was properly issued; and be it further,

ORDERED that the public health and safety is not at risk by the Respondent provided that the Respondent fully complies with terms and conditions set forth herein; and be it further,

ORDERED that, upon execution of this Consent Order, the summary suspension imposed in the Board's Order for Summary Suspension, dated September 27, 2023, is hereby LIFTED; and be it further,

ORDERED that the Respondent's license shall be placed on SUSPENSION, effective September 27, 2023, for at least ONE (1) YEAR, during which time the Respondent:

1. Shall immediately enter into, and fully comply with, a rehabilitation contract with the Pharmacy Rehabilitation Services ("PRS") committee;
2. Shall abstain from the use of controlled dangerous drugs and all other mood-altering substances unless PRS is provided sufficient written documentation from the Respondent's healthcare provider regarding medical necessity;
3. Shall submit to random weekly urine screens as a condition of the PRS contract; PRS may accept urine screen results from the Respondent's parole and probation monitor;
4. Shall engage in group therapy sessions focused on supporting healthcare practitioners;

5. Shall continue to engage in counseling sessions at Arcadia, or other practice approved by PRS;

5. Shall comply with any other treatment and monitoring conditions imposed as part of the PRS contract;

6. Shall ensure PRS submits monthly progress reports to the Board regarding the Respondent's compliance with the PRS contract;

7. Shall execute any and all releases necessary to allow PRS and the Board to access medical and treatment information for purposes of monitoring and enforcement of this Order and the PRS contract; and be it further,

ORDERED that the Respondent may petition the Board to modify the terms of suspension after SIX (6) months provided that the Respondent has been fully compliant with all terms, and that any such modification shall relate to the monitoring terms under this Order only; and be it further,

ORDERED that the Respondent may petition to lift the suspension of his license after ONE (1) YEAR, commencing September 27, 2023, provided that the Respondent has fully complied with all conditions of the PRS contract and this Order, and the Respondent does not have any pending complaints against him; and be it further,

ORDERED that in the event that the Board lifts the suspension of the Respondent's license, the Board shall place the Respondent's license on immediate PROBATION with terms and conditions to be determined at the time; and be it further,

ORDERED that the Respondent shall bear all costs for compliance with the terms of this Order; and be it further,

ORDERED that the Respondent shall at all times fully cooperate with the Board in its monitoring, supervision, and investigation of the Respondent's compliance with the terms and conditions of this Order; and be it further,

ORDERED that the Respondent's failure to fully cooperate with the Board shall be deemed a violation of the terms of suspension and a violation of this Order; and be it further,

ORDERED that in the event the Board finds for any good faith reason that the Respondent has violated any of the conditions of suspension herein, or in the event that the Board finds for any good faith reason that the Respondent has committed a violation of Title 12 of the Health Occupations Article or regulations adopted thereunder, the Board may take further disciplinary action, to include summary suspension, against the Respondent's license, provided that the Respondent is given notice and an opportunity for a hearing; and be it further,

ORDERED that this is a final order of the Maryland Board of Pharmacy and as such is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., General Prov. Art., §4-333.

1-11-24
Date


Deena Speights-Napata, M.A.
Executive Director

CONSENT

By signing this Consent, I hereby consent to the foregoing Findings of Fact and Conclusions of Law, and agree to be bound by the foregoing Consent Order and its conditions.

1. By this Consent, I submit to the foregoing Consent Order as a resolution of this matter. By signing this Consent, I waive any rights I may have had to contest the findings of fact and conclusions of law contained in this Consent Order.

2. I acknowledge the validity of this Consent Order as if it were made after a hearing in which I would have had the right to counsel, to confront witnesses on my own behalf, and to all other substantial and procedural protections provided by law.

3. I acknowledge the legal authority and the jurisdiction of the Board to enter and enforce this Consent Order.

4. I acknowledge that, by entering into this Consent Order, I am waiving my right to appeal any adverse ruling of the Board that might have followed an evidentiary hearing.

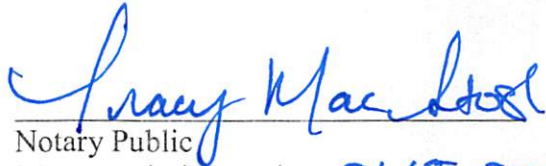
5. I sign this Consent Order freely and voluntarily, after having had the opportunity to consult with counsel. I fully understand the language, meaning, and effect of this Consent Order.

1/10/2024
Date


Kyle Tang

STATE OF MARYLAND
COUNTY/CITY OF Worcester :

I hereby certify that on this 10 day of January, 2024 before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared KYLE TANG, and made an oath in due form that the foregoing Consent was his voluntary act and deed.


Notary Public
My commission expires: 01-15-2027

