

IN THE MATTER OF

*

BEFORE THE

KYLE TANG

*

MARYLAND BOARD

Respondent

*

OF PHARMACY

License No. 25521

*

Case No.: 23-422

* * * * *

ORDER FOR SUMMARY SUSPENSION

The Maryland Board of Pharmacy (“the Board”) hereby **SUMMARILY SUSPENDS** the license of Kyle Tang (“the Respondent”), License Number 25521, to practice pharmacy in the State of Maryland. The Board takes such action pursuant to its authority under Md. Code Ann., State Gov’t § 10-226(c), concluding that the public health, safety, or welfare imperatively requires emergency action.

INVESTIGATIVE FINDINGS¹

This Order is based on the following facts that the Board has reason to believe are true:

Respondent’s Licensure and Employment

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.

¹ The statements regarding the Respondent’s conduct are intended to provide the Respondent with reasonable notice of the basis for 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 this matter.

2. At all times relevant, the Respondent was employed as a pharmacist at a national chain pharmacy (“the Pharmacy”)² location (“Store 1”) in Ocean City, Maryland.

Complaint and Board Investigation

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.

Pharmacy 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.
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.

² For confidentiality and privacy purposes, the names of individuals and facilities involved in this case are not disclosed in this document. The Respondent may obtain the names of all individuals referenced in this document by contacting the Administrative Prosecutor.

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.

Criminal Charges

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.

CONCLUSIONS OF LAW

Based on the foregoing, the Board finds that between April and December 2022, the Respondent diverted, or obtained by fraudulent means, numerous tablets of dextroamphetamine-amphetamine, a schedule II controlled substance, by fraudulently and deceptively using his license to create and dispense approximately 18 fraudulent prescriptions. Additionally, the Board finds that the Respondent unlawfully wrote several prescriptions for non-controlled medications and dispensed them to family members or friends. Accordingly, the Board concludes, as a matter of law, that the public health, safety, or welfare imperatively requires emergency action, pursuant to Md. Code Ann., State Gov't § 10-226(c)(2).

ORDER

Based on the foregoing Investigative Findings and Conclusions of Law, it is this 27th day of September 2023, by a majority of the quorum of the Board, hereby:

ORDERED that pursuant to the authority vested in the Board by Md. Code Ann., State Gov't § 10-226(c)(2), the Respondent's license to practice pharmacy in the State of Maryland under license number 25521 is hereby **SUMMARILY SUSPENDED**; and it is

further

ORDERED that the Respondent is prohibited from practicing pharmacy in the State of Maryland; and it is further


ORDERED that the Respondent shall immediately return all licenses to the Board; and it is further

ORDERED that the Respondent has the opportunity to appear before the Board for a post-deprivation show cause hearing. A request for a post-deprivation show cause hearing must be in writing and be made **WITHIN THIRTY (30) DAYS**; and it is further

ORDERED that if the Respondent fails to request a post-deprivation show cause hearing in writing in a timely manner, or if the Respondent requests a post-deprivation show cause hearing but fails to appear when scheduled, the Respondent's license will remain **SUSPENDED**; and it is further

ORDERED that this **ORDER FOR SUMMARY SUSPENSION** is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.*

9-27-23
Date



Deena Speights-Napata, M.A.
Executive Director
Maryland Board of Pharmacy