

IN THE MATTER OF * **BEFORE**
KAMEARA TYNES * **THE**
PHARMACY TECH * **STATE BOARD**
Registration Number: T18182 * **OF**
Respondent * **PHARMACY**
* **Case Number: PT-18-001**

* * * * *

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

On November 21, 2018, the State Board of Pharmacy (the "Board"), notified **KAMEARA TYNES, PHARMACY TECHNICIAN** (Pharm Tech), the Respondent, **Registration No. T18182**, 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 the State of Maryland. The Respondent was first registered on June 15, 2016. The Respondent's registration expired on October 31, 2017.

2. At all times relevant hereto, the Respondent was employed as a Pharm Tech at a pharmacy (the "Pharmacy") within a National chain in Baltimore, Maryland.¹

¹ The names of facilities and/or individuals are confidential.

3. On May 19, 2017, the Pharmacy reported to the Board that there had been employee pilferage.

4. On July 6, 2017, the Board received documentation from the Pharmacy that included the internal investigation, which stated, *inter alia*:

- A. While visiting the Pharmacy on May 12, 2017, the Regional Loss Prevention Manager (RLPM) was notified by the Staff Pharmacist that she was suspicious about a shortage of Alprazolam ER², 2 mg. She stated that, upon completing the Biennial Inventory on April 30th, the Pharmacy had two full bottles (120 units), but when she tried to dispense it sometime shortly afterwards, there was none present, with only 30 dispensed since the inventory count;
- B. The RLPM requested that the Staff Pharmacist and the Pharmacy Manager immediately begin daily counts for all strengths of Alprazolam, which disclosed that both Alprazolam ER, 2 mg, and Alprazolam, 2 mg, had recent losses;
- C. After making an initial notification to the Drug Enforcement Administration (DEA), the RLPM reviewed DVR footage for where the Alprazolam was located on the shelf. On May 4, 2017, he found suspicious behavior by the Respondent who removed four bottles of Alprazolam from the shelf, looked around and exited camera view.

² Alprazolam is a benzodiazepine used to treat anxiety and panic attacks. ER is the Extended Release version.

When the Respondent returned to camera view, she appeared to have at least one stock bottle and appeared to be tucking something in her waistband with her back to the camera. Afterwards, the Respondent exited the camera angle and walked to the registers where she clocked out for the day. The Respondent then exited into the Breakroom and went out the front door without attempting to have a bag check completed;

- D. The Respondent discussed his findings with the Staff Pharmacist who informed him that the Respondent recently found a new job with a health plan and now works for the Pharmacy one to two times a month;
- E. When the Respondent reported for work on May 31, 2017, she was interviewed by the RLPM, with the Pharmacy Manager as a witness, at which time she initially admitted to the theft of five tablets of Tramadol³, 50 mg, and one bottle (473 ML) of Promethazine with Codeine syrup⁴. With further questioning about her involvement with drug diversion, the Respondent admitted diverting an additional bottle of Promethazine with Codeine syrup and 10-25 units of Alprazolam (Xanax), 2 mg. The Respondent stated that she would remove the drugs from the Pharmacy when a pharmacist was outside the Pharmacy and

³ Tramadol is a pain reliever used to treat moderate to severe pain in adults.

⁴ Promethazine with Codeine syrup is a combination medication used to treat symptoms caused by the common cold, flu, allergies, or other breathing illnesses (e.g., sinusitis, bronchitis). Promethazine is an antihistamine that relieves watery eyes, itchy eyes/nose/throat, runny nose, and sneezing. Codeine is a narcotic cough suppressant (antitussive)

take them to the Breakroom to conceal them before taking them to her car. The Respondent further stated that she was able to get the Promethazine with Codeine syrup from incoming deliveries or the safe because she saw the safe combination on the floater information when a floater pharmacist was working at one point;

- F. The Respondent stated that she diverted these drugs in order to sell them to raise funds for a car. When asked how she sold the drugs, the Respondent stated that she would walk down streets near her house and talk to known drug addicts and tell them what she had for sale. The Respondent stated that she would make sure to sell all quantities as fast as possible so that she no longer had any on her or in her place of residence;
- G. The Respondent completed a voluntary written statement and added to her thefts two more bottles of Promethazine with Codeine syrup, one full bottle (60 units) of Alprazolam ER, 2 mg, and three full bottles (300 units) of Alprazolam, 2 mg.;
- H. The Respondent completed a Promissory Note for what she believed was the financial amount of the drug losses;
- I. The Respondent was terminated from the Pharmacy by the Pharmacy Manager that day.

that affects a certain part of the brain, reducing the urge to cough.

5. The Pharmacy also completed a DEA “Report of Theft or Loss of Controlled Substances”, as required, which showed the following:

- A. The Respondent was identified as being the one responsible for the pilferage;
- B. The amount of controlled substances was valued at \$3,386;
- C. The Pharmacy indicated that all loss prevention policy and procedures will be reviewed with the pharmacy team, including diligent inventory management, bag and smock checks, and no personal items in the pharmacy;
- D. The losses were listed as follows:

Alprazolam, 2 mg	1,318 tablets
Alprazolam ER, 2 mg	308 tablets
Promethazine-Codeine syrup 10mg-6.5 mg/5ml	7,707 ml

6. As a result of the above thefts, on June 22, 2018, the Board issued an Order for Summary Suspension of the Respondent’s registration. The Respondent failed to request a hearing and/or contest the findings.

7. As set forth above, by diverting drugs from her pharmacy employer, the Respondent is in violation of Health Occ. §12-6B-09 (3) (Fraudulently uses a pharmacy technician’s registration); §12-6B-09 (27) (Participates in any activity that is grounds for Board action under § 12-313); namely, § 12-313 (b) (25) (Violates any rule or regulation

adopted by the Board); and, COMAR § 10.34.10 01 (Patient Safety and Welfare. B. A pharmacist may not :(3) Engage in unprofessional conduct).

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

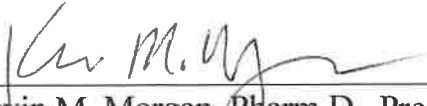
ORDER

As set forth above, the Board hereby Orders, that the registration to practice as a Pharmacy Technician in Maryland held by **KAMEARA TYNES**, the Respondent, Registration Number **T18182**, 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 aforecited authority.

3/20/19
Date



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