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| <p>IN THE MATTER OF</p> <p>DONNETTA WASHINGTON,</p> <p>PHARM TECH</p> <p>Registration No.: T22493</p> | <p>*</p> <p>*</p> <p>*</p> <p>*</p> | <p>BEFORE THE MARYLAND</p> <p>STATE BOARD OF</p> <p>PHARMACY</p> <p>Case No.: 19-074</p> |
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ORDER FOR SUMMARY SUSPENSION

The Maryland Board of Pharmacy (the "Board") hereby summarily suspends the registration to practice as a Pharmacy Technician ("Pharm Tech") in Maryland issued to **Donnetta Washington** (the "Respondent"), under the Maryland Pharmacy Act (the "Act"), Md. Code Ann., Health Occupations ("Health Occ"), §§ 12-101 *et seq.* (2014 Repl. Vol. and 2018 Supp.), registration number T22493. The Board takes such action pursuant to Md. Code Ann., State Gov't §§ 10-226(c)(2) (2014 Repl. Vol. and 2018 Supp.), concluding that the public health, safety or welfare imperatively requires emergency action.

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 practiced as either a Pharmacy Technician in Training or as a Pharm Tech in the State of Maryland. The Respondent was first registered as a Pharm Tech in Maryland on or about May 23, 2019. The Respondent's registration is scheduled to expire on March 31, 2021.

¹ The statements regarding the Respondent's conduct are only intended to provide the Respondent with 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.

Complaint

2. On or about August 17, 2018, the Board received a faxed initial notification of a significant loss or theft of controlled substance (the “Complaint”), with an attached Drug Enforcement Agency (DEA) Form 106, *Report of Theft or Loss of Controlled Substances*, from a national chain Pharmacy located in Silver Spring, Maryland (the “Pharmacy”)². The notification stated that the Respondent had stolen controlled dangerous substances (CDS) from the Pharmacy and was terminated based on the theft.
3. DEA Form 106 indicated that on or about July 30, 2018, the Respondent had stolen the following CDS from the Pharmacy: 40 tablets of alprazolam 2 mg and 10 tablets of oxycodone-acetaminophen 5 mg - 325 mg. DEA Form 106 stated, “Employment with [the Pharmacy] has been terminated for the employee, Donnetta Washington, who admitted to drug diversion.”
4. Based on the Complaint, the Board initiated an investigation.

Investigation

5. In furtherance of the investigation, the Board’s staff contacted a representative of the Pharmacy, who confirmed that at the time of the theft, the Respondent was employed as a Pharm Tech in training at the Pharmacy.

² For confidentiality and privacy purposes, the names of individuals and facilities involved in this case are not disclosed in this document. Upon written request, the Administrative Prosecutor will provide the information to the Respondent.

6. In furtherance of the investigation, Board staff obtained the Respondent's personnel file, including the Pharmacy's internal investigative files regarding the theft from the Pharmacy.
7. The files obtained indicated that the Respondent was employed as a Pharm Tech in training at the Pharmacy on or about February 27, 2018, until her termination on or about July 31, 2018.
8. The files included a written statement by the Respondent created on July 30, 2018 (the "Statement"), which memorialized her answers to questions by a Pharmacy representative.
9. According to the Statement, the Respondent confirmed that she had removed without authorization approximately 35-40 tablets of alprazolam 2 mg and 9-10 tablets of oxycodone-acetaminophen 5 mg - 325 mg. She also stated she had removed without authorization 2 tablets of azithromycin 250 mg.
10. In the Statement, the Respondent described her method as removing the pills from their bottles and holding them in her pockets until her shift ended and then leaving the Pharmacy. The Respondent stated that she sold the drugs after removing them from the Pharmacy. In the Statement, the Respondent apologized for her actions.
11. In response to when she committed the theft, the Respondent stated:

The first time I took anything from the pharmacy was months back, maybe in May or beginning of June, alprazolam, dumped the bottle and took the pills, it was 40. The second time was in July I took pills again for financial reasons.

12. Among the files obtained by the Board was a promissory note, signed July 30, 2018, from the Respondent to the Pharmacy pledging to pay restitution for the value of the drugs she diverted.
13. Based on the information provided to the Board by the Pharmacy, the Board has reason to believe that the Respondent diverted multiple medications over an extended time span.

Respondent's Application for Pharmacy Technician Registration

14. On or about May 22, 2019, the Board received the Respondent's Application for Pharmacy Technician Registration.
15. The "Personal Attestation Questions" section of the application, included the following question:
 5. Has your employment by any pharmacy ...been terminated for disciplinary reasons?
16. Despite her termination from the Pharmacy on July 31, 2018 based on her diversion of CDS, the Respondent falsely answered "NO."
17. The Respondent signed the application and dated it May 22, 2019, below a statement that read:

I affirm that the information I have given in answer to these questions is true and correct to the best of my knowledge and belief.

...

CONCLUSIONS OF LAW

Based on the foregoing investigative findings, the Board concludes as a matter of law that the public health, safety, and welfare imperatively require emergency action in

this case, pursuant to Md. Code Ann., State Gov't § 10-226(c)(2) (2014 Repl. Vol. and 2018 Supp.).

ORDER

Based on the foregoing Investigative Findings and Conclusions of Law, it is this 23rd day of October 2019, 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) (2014 Repl. Vol. and 2018 Supp.), the Respondent's registration to practice as a Pharmacy Technician in the State of Maryland under registration number T22493 is hereby **SUMMARILY SUSPENDED**; and it is further

ORDERED that the Respondent is prohibited from practicing as a Pharmacy Technician in the State of Maryland; and it is further

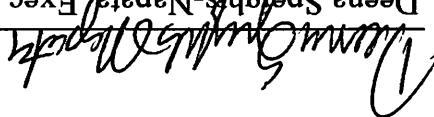
ORDERED that the Respondent shall immediately return all copies of her registration to the Board; and it is further

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.* (2014 Repl. Vol. and 2018 Supp.).

10-23-19
Date


Deena Speights-Napat, Exec. Dir.,
on behalf of
Kevin Morgan, Board President