

Donnetta Washington
155 Ivanhoe St, SW #101
Washington DC 20032

Date: 2, 3, 2020



Kevin Morgan, Pharm. D.
Board President
Maryland Board of Pharmacy
4201 Patterson Avenue
Baltimore, Maryland 21215

Re: Surrender of Registration to Work as a Pharmacy Technician
Registration Number: T22493
Case Number: 19-074

Dear Dr. Morgan and Members of the Board,

Please be advised that, pursuant to Md. Code Ann., Health Occ. ("Health Occ.") §12-101 (2014 Repl. Vol. & 2019 Supp.) and COMAR 10.34.01.13, I have decided to **SURRENDER** my registration to work as a pharmacy technician in the State of Maryland, registration number T22493, effective immediately. I understand that upon surrender of my registration, I may not work as a pharmacy technician in the State of Maryland as it is defined in the Maryland Pharmacy Act (the "Act"), Health Occ. §§ 12-101 *et seq.* and other applicable laws. In other words, as of the effective date of this Letter of Surrender, I understand that the surrender of my registration means that I am in the same position as an uncertified individual in the State of Maryland.

I understand that this Letter of Surrender is a **PUBLIC DOCUMENT**, and upon the acceptance, becomes a **FINAL ORDER** of the Board of the Maryland State Board of Pharmacy (the "Board").

I acknowledge that the Board initiated an investigation that found that I removed controlled dangerous substances (CDS) without authorization from my employer pharmacy and sold it for financial reasons. In addition, I failed to disclose that I had been terminated from a Pharmacy Technician in Training position when I applied to the Board for registration as a Pharmacy Technician. See attached *Charges Under the Maryland Pharmacy Act* (Attachment A) and attached *Order for Summary Suspension* (Attachment B) for details. I recognize that for all purposes relevant to medical licensure that the findings, conclusions, and allegations included in the Attachments A & B shall be treated as proven and that these allegations

support a conclusion that I violated the provisions of the Act and the regulations adopted by the Board as cited in Attachment A & B.

I wish to make it clear that I have voluntarily, knowingly and freely chosen to submit this Letter of Surrender to avoid prosecution of the aforementioned allegations. I understand that by executing this Letter of Surrender I am waiving my right to contest the Board's investigative findings in a formal evidentiary hearing at which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf and all other substantive and procedural protections provided by law, including the right to appeal to circuit court.

I understand that the Board may advise the National Practitioner Data Bank and appropriate entities of this Letter of Surrender. I also understand that in the event I would apply for certification in any form in any other state or jurisdiction that this Letter of Surrender may be released or published by the Board to the same extent as a final order that would result from disciplinary action, pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2014 Repl. Vol. & 2019 Supp.), and that this Letter of Surrender constitutes a disciplinary action by the Board.

I further recognize and agree that by submitting this Letter of Surrender, my registration will remain surrendered for a minimum period of **ONE YEAR** and until the Board grants reinstatement. In the event that I apply for reinstatement of my Maryland Registration, I understand that the Board or its successor is not required to grant reinstatement; and, if it does grant reinstatement, may impose any terms and conditions the Board considers appropriate for public safety and the protection of the integrity and reputation of the profession. I further understand that if I ever file a petition for reinstatement, I will approach the Board or its successor in the same position as an individual whose registration has been revoked.

I acknowledge that I may not rescind this Letter of Surrender in part or in its entirety for any reason whatsoever. Finally, I wish to make clear that I have been advised of my right to be represented by an attorney of my choice throughout proceedings before the Board, including the right to consult with an attorney prior to signing this Letter of Surrender. I have knowingly and willfully waived my right to be represented by an attorney before signing this letter surrendering my registration to work as a pharmacy technician in Maryland. I understand both the nature of the Board's actions and this Letter of Surrender fully. I acknowledge that I understand and comprehend the language, meaning and terms and effect of this Letter of Surrender. I make this decision knowingly and voluntarily.

Very truly yours,



Donnetta Washington

2/3, 2020

NOTARY

STATE OF MARYLAND
CITY/COUNTY OF PRINCE GEORGES

I HEREBY CERTIFY that on this 4th day of February, 2020 before me, a Notary Public of the City/County aforesaid, personally appeared Donnetta Washington and declared and affirmed under the penalties of perjury that the signing of this Letter of Surrender was voluntary.

AS WITNESS my hand and Notarial seal.

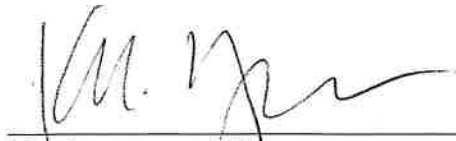


Notary Public

My commission expires: 28 August 2023

ACCEPTANCE

On behalf of the Board, on this 19 day of February, 2020, I, Kevin Morgan, Pharm. D., accept the **SURRENDER** of Donnetta Washington's registration to work as a pharmacy technician, registration number T22493, in the State of Maryland.



Kevin Morgan, Pharm. D., Board President
Maryland Board of Pharmacy

IN THE MATTER OF * **BEFORE THE MARYLAND**
DONNETTA WASHINGTON, * **STATE BOARD OF**
PHARM TECH * **PHARMACY**
Registration No.: T22493 * **Case No.: 19-074**

* * * * *
CHARGES UNDER THE MARYLAND PHARMACY ACT

The State Board of Pharmacy (the "Board") hereby charges the registration of **Donnetta Washington**, Pharmacy Technician ("Pharm Tech"), **Registration Number T22493**, (the "Respondent"), with violations of the Maryland Pharmacy Act (the "Act"), Md. Code Ann., Health Occupations ("Health Occ") §§ 12-101 *et seq.* (2014 Repl. Vol. and 2018 Supp.) and the regulations adopted by the Board at Code of Md. Regs. ("COMAR") 10.34.01 *et seq.*

The pertinent provisions of the Act are as follows:

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 . . . , reprimand a registered pharmacy technician, place any registered pharmacy technician on probation, or suspend or revoke a registered pharmacy technician's registration if the ... pharmacy technician registrant:

- ...
- (2) Fraudulently or deceptively obtains or attempts to obtain a pharmacy technician's registration for the applicant or assists or attempts to assist another in fraudulently or deceptively obtaining a pharmacy technician's registration;
- ...
- (25) Violates any regulation adopted by the Board;
- ...
- (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 (27), 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 regulations adopted by the Board are as follows:

COMAR 10.34.10.01 Patient Safety and Welfare

B. A pharmacist may not:

- ...
(3) Engage in unprofessional conduct.

ALLEGATIONS OF FACT¹

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.

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

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.

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.

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.
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.

...

NOTICE OF POSSIBLE SANCTIONS

If, after a hearing, the Board finds that there are grounds for action under the Act, the Board may impose disciplinary sanctions against the Respondent's registration, including revocation, suspension, probation, reprimand, and/or a fine.

NOTICE OF HEARING & CASE RESOLUTION CONFERENCE

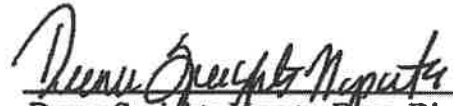
A Case Resolution Conference ("CRC") has been scheduled for Wednesday, January 29, 2020, at 10:00 a.m., at the Board's offices, located at 4201 Patterson Avenue, Baltimore, Maryland 21215. The nature and purpose of the case resolution conference is described in the attached letter to the Respondent. Please notify the Board as soon as possible if you elect to participate in the case resolution conference. The notice should be sent to:

Deena Speights-Napata, Exec. Dir.
Executive Director
Maryland State Board of Pharmacy
4201 Patterson Avenue
Baltimore, Maryland 21215

If the case cannot be resolved at a CRC, then a hearing will be scheduled and the Respondent will be notified of the time and place. The hearing will be conducted in accordance with Md. Code Ann., State Gov't §§ 10-201 et seq. (2014 Repl. Vol.) and the

Board's hearing procedures under Health Occ. § 12-315 and the regulations adopted by the Board.

10-23-19
Date



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

**IN THE MATTER OF
DONNETTA WASHINGTON,
PHARM TECH**

*** BEFORE THE MARYLAND
* STATE BOARD OF
* PHARMACY**

Registration No.: T22493

*** Case No.: 19-074**

* * * * *

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.

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...

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

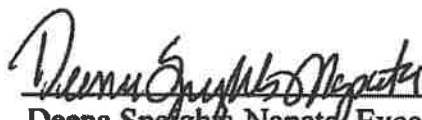
ORDERED that the Respondent has the opportunity to appear before the Board for a post-deprivation show cause hearing. A request for a post-deprivation show cause hearing must be in writing and be made **WITHIN THIRTY (30) DAYS**; and it is further

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-Napata, Exec. Dir.,

on behalf of

Kevin Morgan, Board President