

IN THE MATTER OF	*	BEFORE THE
TYRONE WATKINS,	*	STATE BOARD
PHARMACY TECHNICIAN	*	OF
Registration No.: T12012	*	PHARMACY
Respondent	*	Case No.: 19-195

* * * * *

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

On November 20, 2019, the State Board of Pharmacy (the "Board"), notified **TYRONE WATKINS, Pharmacy Technician**, the Respondent, **Registration No. T12012**, of its Intent to Revoke his Pharmacy Technician registration.

The Notice also informed the Respondent that, unless he 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 2018 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 Pharmacy Technician in Maryland. The Respondent was first registered on January 30, 2013. The Respondent's registration expires August 31, 2020.

2. At all times relevant hereto, the Respondent was employed as a Pharmacy Technician at a pharmacy which focused on long-term care in Annapolis Junction¹, Maryland

¹ Annapolis Junction is unique in that it is located in both Anne Arundel and Howard Counties.

(the "Pharmacy").²

3. On or about December 11, 2018, the Board received a report of "Initial Notification of Controlled Substance Theft of Potentially Significant Loss" and a Drug Enforcement Administration ("DEA") "Report of Theft or Loss of Controlled Substances" form from the Pharmacy.

4. Based on the reports, the Board began an investigation which is set forth *infra*.

5. The Pharmacy's District Asset Protection Leader (the "Asset Leader") reported that, on September 14, 2018, he was notified that there was a potential diversion with Promethazine³ due to three different orders for 12 bottles identified from the supplier on or about September 12, 2018.

6. Further review of the orders was traced back to the Respondent. The Asset Leader found that there were no instances for the demand of Promethazine in any of the nursing facilities that the Respondent serviced.

7. Accordingly, on September 28, 2018, an interview was conducted by the Asset Leader, with another employee as a witness, where the Respondent admitted stealing the 12 bottles of Promethazine, explaining that he would order them directly from the supplier on his company laptop, meet the supplier, hide the trays containing the bottles, and later retrieve them and remove the invoice. The Respondent also admitted stealing Amoxicillin⁴ to help

² Facility and individual names are confidential.

³ Promethazine is used to prevent and treat nausea and vomiting related to certain conditions. It is also used to treat allergy symptoms such as rash, itching, and runny nose. It may be used to help one feel sleepy/relaxed before and after surgery or to help certain narcotic pain relievers work better. It may also be used for a short time to treat a runny nose due to the common cold. Promethazine is an antihistamine and works by blocking a certain natural substance that one's body makes during an allergic reaction.

⁴ Amoxicillin is a penicillin antibiotic that fights bacteria. Amoxicillin is used to treat many different types of

with an infection, but stated that he did not know the whereabouts of the two bottles of Phentermine⁵ ordered that were in the same tote as the Promethazine.

8. The Respondent claimed that he stole the drugs to help with his debt. He agreed to pay the Pharmacy the total loss of \$418.50 and signed a Promissory note to repay the loss.

9. As a result of the above, the Respondent was subsequently terminated from employment from the Pharmacy.

10. The Pharmacy later conducted an inventory and submitted the aforesaid DEA report which named the Respondent as responsible for the theft. The report listed the following losses:

Promethazine VC-Codeine syrup ⁶	5mg-10mg/5ml	13,774 ml.
Phentermine	37.5 mg	231 tabs
Promethazine-Codeine Syrup	10mg-6.25 mg/5ml	10,639 ml.

11. The Howard County Police were called, and the Respondent was criminally charged with seven Counts, ranging from CDS, obtain by fraud, to theft scheme \$100-less than \$1500. On January 24, 2019, in the District Court for Howard County, all seven Counts were placed on the stet docket⁷; he was ordered to pay \$1,700 restitution to the Pharmacy; and, complete 40 hours of community service.

infection caused by bacteria, such as tonsillitis, bronchitis, pneumonia, gonorrhea, and infections of the ear, nose, throat, skin, or urinary tract.

⁵ Phentermine, a Schedule IV controlled dangerous substance, is an appetite suppressant used, together with diet and exercise, to treat obesity.

⁶ Phenergan VC (promethazine HCl and phenylephrine HCl) Syrup is a combination of an antihistamine and a decongestant used to treat symptoms such as itching, runny nose, sneezing, and congestion due to allergies or the common cold. Codeine is an opioid pain medication, sometimes called a narcotic. Codeine is used to treat mild to moderately severe pain.

⁷ A stet in Maryland means that case is inactive for a period in order for the defendant to complete some agreed upon

12. As a result of the above thefts, on April 11, 2019, 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.

13. As set forth above, by diverting drugs from his 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.)

14. 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

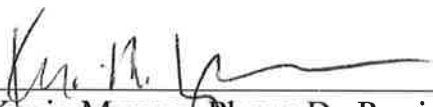
As set forth above, the Board hereby Orders, that the registration to practice as a Pharmacy Technician in Maryland held by **TYRONE WATKINS**, the Respondent, Registration Number **T12012**, be and is **REVOKED**, and that this Order is public, pursuant to Md. Code Ann., General Provisions §§ 4-101 *et seq.* (2014 Vol. and 2018 Supp.).

conditions (community service, counseling, anger management classes, payment of restitution).

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 2018 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 aforesaid authority.

1/15/20
Date



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