

<b>IN THE MATTER OF</b>	*	<b>BEFORE THE</b>
<b>BEVERLY WINN, PHARM TECH</b>	*	<b>STATE BOARD</b>
<b>Registration No.: T10372</b>	*	<b>OF</b>
<b>Respondent</b>	*	<b>PHARMACY</b>
	*	<b>Case No. PT-15-007</b>

\* \* \* \* \*

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

On August 19, 2015, the State Board of Pharmacy (the "Board"), notified **BEVERLY WINN**, Pharmacy Technician (Pharm Tech), the Respondent, of its Intent to Revoke her pharmacy technician 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 basis for the Board's action was pursuant to State Gov't Code Ann. ("S.G.") § 10-226 (c) (1) (2014 Repl. Vol. II), and the Maryland Pharmacy Act (the "Act"), Md. Code Ann., Health Occ. ("H.O.") §§ 12-101 *et seq.* (2014 Repl. Vol. II).

The relevant provisions are as follows:

S.G. § 10-226:

(c) (1) Except as provided in paragraph (2) of this subsection, a unit may not revoke or suspend a license unless the unit first gives the licensee:

- (i) written notice of the facts that warrant suspension or revocation;
- and
- (ii) an opportunity to be heard.

H.O. § 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;
- (8) Willfully fails to file or record any report that is required by law;
- (25) Violates any regulation adopted by the Board [;].

The Board further charges the Respondent with a violation of its Pharmacist and Pharmacy Technician Code of Conduct, Code Md. Regs. tit. 10.34.10 (2001):

§.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 Maryland. The Respondent was first registered on February 22, 2012. The Respondent's registration expires on October 31, 2015.

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

3. On or about August 4, 2014, Pharmacy A faxed to the Board, the Drug Enforcement Administration (DEA) "Report of Loss/Theft" form which indicated that it appeared that 230 tablets of Alprazolam<sup>1</sup>, 2 mg, were missing.

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<sup>1</sup> Alprazolam treats anxiety and panic disorder, and goes by the trade name Xanax.

4. By email dated September 2, 2014, Pharmacy A sent the Board its summary which contained the results of its investigation into the missing tablets, as follows:

- A. Pharmacy A detected a shortage of Alprazolam in June 2014;
- B. As a result, the Pharmacist-in-Charge conducted a count and determined that 50 pills were unaccounted for;
- C. Subsequently, the Regional Loss Prevention Manager for Pharmacy A noted that two bottles of Alprazolam were missing from a truck delivery of July 29, 2014;
- D. As a result, daily counts and video reviews were made;
- E. Based upon matching dispensing reports with the video, the Respondent was determined to be the person taking the drugs;
- F. Accordingly, on August 13, 2014, the Respondent was interviewed, during which she admitted that she stole the drugs to sell to pay for her expenses. She said that she had stolen approximately 100 pills in the past month;
- G. The Respondent provided a written statement admitting that she had taken the drugs without a prescription or making a payment, but to sell them;
- H. Following the interview, the Respondent signed a promissory note to repay Pharmacy A \$150;
- I. The Respondent was terminated from employment with Pharmacy A and the police were called.

5. The Respondent was arrested and criminally charged in the District Court of Maryland for Baltimore City with the following:

Count 1                      Theft less than \$1000;

Count 2                      Theft scheme, less than \$1000.

6. Based upon the above, on October 29, 2014, the Board issued a Summary Suspension against the Respondent's registration. The Respondent failed to request a hearing.

7. The Respondent's actions, as described above, constitute a violation of H.O. §12-6B-09 (3), (8) and (25), and COMAR 10.34.10.01B (3).

#### **CONCLUSIONS OF LAW**

Based upon the foregoing Findings of Fact, the Board concludes that the Respondent violated §§12-6B-09 (3), (8) and (25) of its Act, 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 **BEVERLY WINN**, the Respondent, be and is **REVOKED**, and that this Order is public, pursuant to Md. Code Ann. General Provisions §§4-101 *et seq.* (2014 Vol.).

**NOTICE OF RIGHT OF APPEAL**

In accordance with § 12-316 of the Act and the SG. §§ 10-201, *et seq.*, 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.

10/21/2015

\_\_\_\_\_  
Date



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Mitra Gavgani, Pharm. D., President  
Board of Pharmacy