

IN THE MATTER OF * **BEFORE THE**
CONTESSA ALLEN-STARKS * **STATE BOARD**
PHARM TECH * **OF**
Registration No.: T05556 * **PHARMACY**
Respondent * **Case No. PT-16-030**

* * * * *

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

On July 18, 2018, the State Board of Pharmacy (the "Board"), notified **CONTESSA ALLEN-STARKS**, Pharmacy Technician (Pharm Tech), **Registration No. T05556**, 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 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; [and]
- (27) Participates in any activity that is grounds for Board action under § 12-313 or § 12-409 of this title [;].

With respect to HO § 12-6B-09 (27), the underlying grounds for Board action under § 12-313 include:

- (25) Violates any rule for regulations adopted by the Board [;].

The pertinent provision of the Board's regulations under Code Md. Regs. ("COMAR") § 10.34.10 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 Maryland. The Respondent was first registered on June 3, 2009. The Respondent's registration expired on August 31, 2016.

2. At all times relevant hereto, the Respondent was employed as a Pharm Tech at a pharmacy within a grocery store chain in Oxon Hill, Maryland, hereinafter the "Pharmacy"

3. On June 16, 2016, the Board received documentation from the Pharmacy that it was investigating the Respondent's alleged involvement with filling fraudulent prescriptions for controlled substances. The Respondent's employment with the Pharmacy was suspended on June 8, 2016 and, ultimately, terminated.

4. On August 20, 2016, a Trooper (Trooper) assigned to Prince George's County who works with the Drug Enforcement Administration (DEA) sent the Board a copy of a 23-Count criminal court charging document filed in the District Court of Maryland for Prince George's County charging the Respondent with charges ranging from possession of Controlled Dangerous Substances (CDS) without a prescription to soliciting and illegal manufacturing of CDS. The documentation includes the following information:

A. A pharmacist, Pharmacist A¹ at the Pharmacy informed the Trooper of two prescriptions that were given to the Respondent for Oxycodone², 30 mg, 120 tablets, because Pharmacist A had determined that these prescriptions were fraudulent;

(1) One prescription had the name of Patient A, with a date of birth (DOB), an address in Waldorf, Maryland, and a phone number beginning with the Area Code "301". The "prescription" was dated 4/13/15 and purportedly written by Physician A;

(2) The second prescription had the name of Patient B with an address in Waldorf, Maryland and a phone number with an Area Code of 240. That prescription was also purportedly issued by Physician A for Oxycodone, 30 mg, 120 pills;

¹All individuals' and facilities' names are confidential.

²Oxycodone is a narcotic medication used to relieve moderate to severe pain. The drug is in a class of medications called opioid analgesics that work by changing the way the brain and nervous system respond to pain.

- B. Pharmacist A had contacted Patient B by telephone to inquire about the prescription and was told that Patient B did not present the prescription, nor did she have a doctor named Physician A;
- C. The Trooper then asked the Respondent who dropped off the two prescriptions to her and what day and time they were dropped off. The Respondent stated that they were dropped off by an unknown person either on Saturday, April 16, 2016, or Sunday, April 17, 2016 and she couldn't answer the question about what time they were dropped off to her. The Trooper and Pharmacy A's Loss Prevention Officer viewed the surveillance footage for Friday, Saturday and Sunday, April 15-17, 2016, but did not see anyone dropping off any prescriptions that fit the size and color of the prescriptions in question;
- D. On April 18, 2016, the Trooper observed the Respondent texting on her cellular phone multiple times. When questioned again about the date of the drop-off, the Respondent stated that the date could have been on Thursday, April 14, 2016, and shortly afterwards, Pharmacy A's Loss Prevention Officer and the Trooper viewed surveillance footage for that Monday, April 18th, the date that the Trooper began her investigation. The footage showed that the two prescriptions were dropped off to Individual A that day and that he showed them to the Respondent about 9:00AM;

- E. Pharmacist A stated that the two persons named on the prescriptions would be in around 3:00PM to 5:00PM to pick up the medication from the fraudulent prescriptions;
- F. The Trooper then reviewed the “run sheets”, which showed that from January 2014 through that date, for every month and, at times, twice a month, the same prescriptions were submitted and filled at the Pharmacy for Oxycodone, 30 mg, 120 pills;
- G. On April 18, 2016, the Trooper contacted Physician A, who confirmed that all of the prescriptions filled in his name were fraudulent;
- H. Afterwards, the Trooper reviewed the surveillance footage to determine when and how the other fraudulent prescriptions were filled by the Respondent and Individual A. The surveillance showed the Respondent entering the prescriptions into the computer and moments thereafter, texting on her cell phone. Moments later, the Respondent would receive a text message, look up to view customers coming, walk around to the pick-up medication section in the Pharmacy, and pick up the medication. At that time, unknown males would show up to pick up the medication which the Respondent had selected. The unknown males would pay for and receive the medication from the Respondent;
- I. On that same day, the Trooper, along with members of the DEA and Prince George’s County Police Department, met in a pre-arranged

location in preparation to arrest the unknown persons who came to pick up the medication from the fraudulent prescriptions;

- J. On April 18, 2016, Pharmacist A told all pharmacy employees, including the Respondent, that the prescriptions were fraudulent, and that the DEA would be around in an undercover capacity. During the day, the Respondent constantly observed the Trooper's location and texted on her cell phone;
- K. The Trooper had determined that, for over two years, unknown suspects had been issuing two prescriptions at a time to the Respondent or, on occasion, to Individual A, and would come into the Pharmacy to pick them up;
- L. On this day, however, the suspects never came to pick up the medication. Since that date, the fraudulent prescriptions have stopped;
- M. On May 9, 2016, the Trooper issued a subpoena to Pharmacist B at the Pharmacy to receive all the fraudulent prescriptions filled or attempted to be filled by using Physician A's name and DEA license number, as well as all the video surveillance footage. Pursuant to that subpoena, the Trooper received 48 prescriptions from the date of January 5, 2015 to April 18, 2016;
- N. The Trooper noticed that the two prescriptions that she had viewed on April 18, 2016 had nothing on the back when she first viewed them, but

now there was a sticker placed on both prescriptions by the Respondent reflecting receipt on Thursday's date of 4/14/16³;

- O. When the Trooper met with the Pharmacy's Loss Prevention Officer to receive and review the surveillance footage matching the dates of the subpoenaed prescriptions, she observed that both the Respondent and Individual A received text messages and prescriptions and issued medication to the same unknown males;
- P. The Trooper's further investigation revealed that the Respondent's cell number began with the Area Code 202 and, with the assistance of the DEA, a subpoena was sent to the cell phone carrier for that cell number. An additional cell phone was discovered that belonged to the Respondent, which the Respondent consented to give to the Trooper. However, a search of both disclosed that the Respondent had erased all information from her phones from April 18, 2016 and all dates prior thereto;
- Q. The Trooper interviewed the Respondent who stated the following:
 - (1) The Respondent stated that she would receive prescriptions on the street from people that knew that she works at the Pharmacy as a Tech;

³The Trooper had already determined that the prescriptions were presented on Monday, April 18, 2016.

(2) The Respondent stated that she had been working at the Pharmacy since 2007;

(3) The Respondent confirmed that, during her maternity leave, she had approached Individual A with a prescription for another person issued by Physician A and asked him to get it filled for her, which he declined;

R. On Monday June 13, 2016, the Respondent was interviewed by the Trooper for a second time at which time she stated the following:

(1) The Respondent stated that she would receive and approve prescriptions for customers that she was familiar with at the Pharmacy;

(2) She acknowledged taking the prescriptions in question but denied knowing that they were fraudulent;

(3) The Respondent stated that she was familiar with the name of Patient A and would get Patient A's prescriptions from her at her house;

(4) She stated that the pharmacists are new at the Pharmacy and she would let them know which customers are okay;⁴

S. The Trooper met with Pharmacist B who disclosed the following:

⁴The Trooper noted that most of the fraudulent prescriptions were filled when Pharmacist B was working.

- (1) Pharmacist B stated that the Respondent would yell at him and demand that he approve prescriptions because they represented the Pharmacy's regular customers;
- (2) Pharmacist B stated that he had never contacted Physician A before he filled any of the prescriptions;
- (3) Pharmacist B stated that he never contacted Physician A because the Respondent would state that she had already spoken to Physician A and told him to "hurry up, because the customer would be here soon". Pharmacist B stated that the Respondent would yell at both him and Pharmacist A often for them to do what she wanted;

T. The following prescriptions were viewed by the Trooper and collected from the Pharmacy's Loss Prevention Officer, all purportedly prescribed by Physician A:

- (1) A prescription dated January 2, 2015, for Patient B (a female), for Oxycodone, 30 mg, 90 tablets. Individual B (a male), handed the prescription and driver's license photo ID, beginning with a "J"—his last name-- to Individual A and approximately 45 minutes later came back in and Individual A handed him the prescription

- bottle at which time Individual B paid for same and left.
- The prescription had been approved by the Respondent;
- (2) A prescription dated January 5, 2015, for Patient C (a female), for Oxycodone, 30 mg, 120 pills. On January 7, 2015, an unknown male handed the prescription to the Respondent and, approximately four hours later, the Respondent gave the medication to the unknown male with a DC photo identification of Patient C as the one picking up the prescription;
- (3) A prescription dated January 16, 2015, for Patient D (a male), for Xanax⁵, 2 mg, 90 pills was presented on 1/21/15 by an unknown male to the Respondent. About 1 ½ hours later the Respondent handed the unknown male the medication and the unknown male paid cash for it and left;
- (4) A prescription dated February 2, 2015, for Patient B (a female), for Oxycodone 30 mg, 120 pills, was presented to the Respondent on that date by Individual B (a male) according to his driver's license. Approximately three

⁵Xanax (alprazolam) is a benzodiazepine which affects chemicals in the brain that may be unbalanced in people with anxiety. It is used to treat anxiety disorders, panic disorders, and anxiety caused by depression.

hours later, Individual B picked up the medication, paid for it and left. The male (Individual B) had a license beginning with a "J"; the Respondent recorded the license number as a Maryland number beginning with an "S" the last name of Patient B, as the one who picked up the prescription;

- (5) A prescription dated February 2, 2015, for Patient C (a female), for Oxycodone, 30 mg, 90 tablets. On February 4, 2015, an unknown male handed the prescription and a driver's license photo identification to the Respondent. Approximately an hour and 45 minutes later, the unknown male returned, and the Respondent handed him the medication and recorded the transaction to reflect that Patient C came in to pick up the medication;
- (6) A prescription dated February 3, 2015 for Patient F (a female) for Xanax, 2 mg, 90 pills. On February 4, 2015, an unknown male handed the prescription and a driver's license photo identification to the Respondent. Approximately 3 and ½ hours later, the unknown male came back, and the Respondent handed him the medication, which he paid for and left. The Respondent

- recorded the picture license as a female, with the initials of “BL”, Individual C, but then recorded that Patient F came in and received the medication;
- (7) A prescription dated on March 12, 2015, for Patient A (a female) for Oxycodone 30 mg, 150 pills. On that same date, an unknown male presented the prescription to the Respondent and, approximately two hours and forty-five minutes later, the Respondent gave the medication to the unknown male who paid for the medication and left. The Respondent recorded the Maryland license started with a “W” (the last name of Patient A) and recorded that Patient A came in and received the medication;
- (8) An unknown male presented two prescriptions to the Respondent on March 30, 2015: one was dated March 27, 2015 and was for Patient D (a male) for Xanax, 2 mg, 90 tablets; and, one dated March 17, 2015, was for Patient B (a female) for Oxycodone, 30 mg, 120 tablets. Approximately 25 minutes later, he came back and picked up the medication from her, paid for it and left;
- (9) Two prescriptions dated April 16, 2015, for Patient E (a male), DOB 8/10/74, and Patient C (a female) for Xanax,

2 mg, 90 pills and Oxycodone, 30 mg, 90 pills, respectively. On April 17, 2015, an unknown male handed the prescriptions to the Respondent and approximately 50 minutes later, he came back, and the Respondent gave him the medications, which he paid for and left;

- (10) Two prescriptions dated June 12, 2015, for Patient B (a female) and Patient A (a female) were issued for Oxycodone, 30 mg, 120 pills were presented to the Respondent on June 17, 2015, by an unknown male. Approximately, 1 hour and 45 minutes later, the male came back, and the Respondent handed him two bottles containing the medication, for which the unknown male paid and left;
- (11) A prescription dated July 10, 2015, for Patient B (a female) for Oxycodone, 30 mg, 120 pills. On July 12, 2015, an unknown male handed the prescription to the Respondent and, approximately one hour later, he came back, and the Respondent handed him the medication, which the unknown male paid for and left;

- (12) A prescription dated August 4, 2015, for Patient A (a female) for Oxycodone, 30 mg, 120 tablets. On August 5, 2015, an unknown male handed the prescription to the Respondent and approximately 50 minutes later the unknown male came back in and the Respondent gave him the medication, and the unknown male paid for same and left;
- (13) A prescription dated September 11, 2015, for Patient G (a male) for Oxycodone, 30 mg, 120 pills. On September 14, 2015, an unknown male handed the prescription to the Respondent, and, approximately one hour later, came back and the Respondent gave him the medication, for which the unknown male paid and left;
- (14) A prescription dated August 21, 2015, for Patient C (a female) was issued for Oxycodone, 30 mg, 90 pills. On August 23, 2015, an unknown male handed the prescription to the Respondent and, approximately one hour later, the Respondent handed him the medication, which he paid for and left;
- (15) A prescription dated August 18, 2015, for Patient E (a male) for Xanax, 2 mg, 90 pills, was issued. On August

- 19, 2015, an unknown male handed the prescription to the Respondent and, approximately two hours later, he returned, at which time, the Respondent handed him the medication, for which he paid and left;
- (16) Three register receipts showed the following: On August 27, 2015, an unknown male walked up to the pharmacy registers and met with the Respondent, who handed the unknown male three prescriptions of Oxycodone, 30 mg, 120 pills in each bag. The Respondent used Individual A's register to ring the transactions up. The medications were typed in for Patients A, B, and C—all females. However, the Respondent stated the patient's name was Individual D (Spouse), listed as "Caregiver/Other" and that the driver's license was a D.C. one beginning with the letter "S". The unknown male paid for them and left;
- (17) Two prescriptions dated on September 28, 2015, for Patient B (a female) and Patient A (a female) both for Oxycodone, 30 mg, 120 pills. On that same date, Patient G handed the prescriptions to the Respondent and, approximately an hour and ten minutes later, gave Individual A his Maryland photo identification card. The

Respondent approved the transaction and Patient G, a male, was allowed to pick up and pay for the two prescriptions for the two female patients with different last names than he;

(18) A prescription dated November 25, 2015, for Patient H (a male) for Oxycodone, 30 mg, 120 pills was issued. On November 30, 2015, Patient G (a male) handed the prescription to the Respondent and, about 45 minutes later, Patient G came back, and the Respondent handed him Patient H's medication, which Patient G paid for and left;

(19) A prescription dated November 25, 2015, for Patient B (a female) for Oxycodone, 30 mg, 120 pills. On 12/3/15, Patient G (a male), handed the prescription to the Respondent and about 2 ½ hours later received the medicine from the Respondent, after handing the Respondent a Maryland photo ID. (Patient B's last name starts with S; Patient G's last name starts with "W". The photo ID started with an S, which the Respondent logged in using Individual A's register). Patient G paid for the medication and left;

- (20) A prescription dated November 24, 2015 for Patient G (a male) for Oxycodone, 30 mg, 120 pills. On December 14, 2015, the Respondent brought the prescription in with her and processed it into the system. Approximately two hours later, a male identified as Individual E picked up the medication from the Respondent, who logged into the system that Patient G picked up the medication using his Maryland ID, which starts with a W (Patient G's last name). Individual E paid for the medication and left;
- (21) A prescription dated December 5, 2015 for Patient I (a male) for Oxycodone, 30 mg, 90 pills, which the Respondent brought in with her and processed into the system. About two hours later, the Respondent received a text message on her cell phone, which she answered, looking up and searching for a customer. One minute later, the Respondent went to the front register which was signed in by a coworker. After another minute passed, the Respondent spotted a male, identified as Individual F at the register and gave him the medication. The Respondent logged in that she gave the medication

to the patient using the patient's Maryland Identification number. Individual F paid for the medicine and left;

(22) Two prescriptions dated January 1, 2016, for Patient B (a female) and Patient A (a female) both for Oxycodone, 30 mg, 120 pills. On January 18, 2016, an unknown male handed the Respondent the two prescriptions and the Respondent took identification from the unknown male, looked at it and gave it back. She logged in both prescriptions. At approximately two o'clock PM, the Respondent received a text message and walked to the front of the pharmacy after receiving same. The Respondent pulled out medication and put it on the counter behind her. She then looked up and around and looked on her phone again. About five minutes later, the Respondent texted on her cell phone and about six minutes later, a different unknown male came to the pharmacy register. The Respondent used a register that another coworker had signed into and handed the unknown male the medication she had pulled earlier and placed on the counter behind her. The unknown male gave the Respondent his ID, which began with a "W",

the first initial of the last name of Patient A, and the Respondent keyed in that Patient A came in herself and received her own medication. For Patient B, the Respondent keyed in that another person with photo ID beginning with “N” picked up the medication. (Patient B’s first initial of her last name starts with “S”.) The same unknown male paid for both medications for both females and left;

(23) Two prescriptions dated February 3, 2016, for Patient H (a male) and Patient G (a male) for Oxycodone, 30 mg, 120 pills. On February 6, 2016, Patient G handed the Respondent the prescriptions, which she logged into the system. Approximately two hours later, Patient G came back, and the Respondent handed him both medications, which Patient G paid for and left;

(24) One register transaction sheet, dated February 8, 2016, showed that approximately at 10:19 AM, the Respondent logged a prescription into the system and four minutes later texted on her cell. After several texts, the Respondent looked up to search for the person picking up the prescriptions. Approximately three hours later,

Individual F (a male), walked up to the pharmacy registers and met with Individual B who handed Individual F Oxycodone, 30 mg, 120 pills and Individual F gave Individual A his Maryland license number beginning with “N”, which was the first initial of Individual F’s last name;

(25) Two prescriptions dated March 15, 2016, for Patient B (a female) and Patient A (a female) for Oxycodone, 30 mg, 120 pills each, were logged into the system on March 14, 2015, by the Respondent—a day before they were purportedly issued. Approximately three hours later, Individual F (a male) came in and Individual A handed him the medication using a computer that was logged in under Pharmacist B’s name, inputting Individual F’s Maryland ID for Patient A’s prescription and using a Maryland ID with Patient B’s last name, indicating that Patient B had personally picked up the medication. Individual F paid for both prescriptions and left;

(26) A prescription dated March 4, 2016, for Patient H (a male) for Oxycodone, 30 mg, 120 pills. On March 20,

- 2016, the Respondent brought in the prescription and processed it into the system. About an hour later, Individual E (a male), came in and the Respondent gave him the medication which he paid for and left;
- (27) Two prescriptions dated March 30, 2016, for Patient G (a male) and Patient I (a male) for Oxycodone, 30 mg, 120 and 90 pills, respectively, were brought in by Individual E (a male). The Respondent logged both prescriptions into the system. About an hour later, Individual E came back and received both medications, paid for them and left with both medications, using his own ID;
- (28) A prescription dated April 6, 2016, for Patient H (a male) for Oxycodone, 30 mg, 120 pills was brought in by the Respondent on April 7, 2016 and processed by her at approximately 11:00 AM. Approximately two hours later, Individual E (a male) came in and the Respondent gave him the medication, which he paid for and left;
- (29) Two prescriptions, dated April 13, 2016, for Patient B (a female) and Patient A (a female) for Oxycodone, 30 mg, 120 pills each, were handed to Individual A by an unknown male wearing a the “Pharmacy” Food Store”

T-shirt. Individual A then showed the prescriptions to the Respondent. Pharmacist A found them and contacted Physician A, which started the investigation;

- U. The Trooper showed Physician A all of the prescriptions that were collected. Physician A again denied that any of the people on the prescriptions were ever his patients and stated that this was not even his prescription type or his handwriting or signature. Physician A requested that criminal charges be pursued against all involved;
- V. The Trooper ran a check and found that the Respondent's Maryland driver's license is suspended and that she has an active DC driver's license;
- W. Once the DEA started investigating fraudulent prescriptions, all fraudulent activity stopped in that the suspects that were picking up the medications did not show up, whereas prior to this, over four fraudulent prescriptions of this nature were filled every week, except the months when the Respondent was on maternity leave;
- X. The Trooper determined that many of the license numbers inputted were made up and not valid;
- Y. The Trooper knows from experience that pharmacy employees have access to people's names and dates of births, as well as physician's names and their DEA numbers. The Trooper also averred that the

Respondent and Individual A worked together and organized a fraudulent prescription pill operation for years, using various persons to assist in receiving scheduled pharmaceutical medication from the Pharmacy;

Z. The Trooper determined that the number of prescription pills issued in the review equaled 6060 with the street value of \$181,800.

5. On November 21, 2016, based upon the above information, the Board summarily suspended the Respondent's registration. The Respondent failed to contest the Board's Findings or request a hearing.

6. 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 §12-6B-09 (3) and (27), HO § 12-313(25) of the Act, and COMAR § 10.34.10.01 B (3).

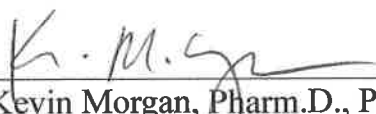
ORDER

As set forth above, the Board hereby Orders, that the registration to practice as a Pharmacy Technician in Maryland held by **CONTESSA ALLEN-STARKS**, the Respondent, **Registration No.: T05556**, be and is **REVOKED**, and that this Order is public, pursuant to Md. Code Ann., General Provisions §§ 4-101 *et seq.* (2014 Repl. Vol. and 2017 Supp.).

NOTICE OF RIGHT OF APPEAL

In accordance with §12-316 of the Act and Md. Code Ann., St. Gov't. §§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 aforesaid authority.

10/17/18
Date


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