

IN THE MATTER OF	*	BEFORE THE
KESHIA BROWN	*	MARYLAND BOARD OF
PHARMACY TECHNICIAN	*	PHARMACY
Registration No. T18518	*	Case No.: 20-095

* * * * *

FINAL DECISION AND ORDER

Procedural Background

On September 20, 2019, the Maryland Board of Pharmacy (the “Board”) received notification that a pharmacy technician, Keshia Brown, Registration No. T18518 (the “Respondent”), had been terminated from her place of employment (“Pharmacy A”) for theft of cash from the register. Further investigation by Pharmacy A revealed that the Respondent had also diverted drugs. On April 17, 2020, following its own investigation, the Board issued Charges against the Respondent under the Maryland Pharmacy Act (the “Act”), Md. Code Ann., Health Occ. § 12-101 *et seq.*

The Board initially scheduled an evidentiary hearing for November 18, 2020, but the hearing was rescheduled for January 20, 2021; the Board sent the Respondent notice of the hearing via certified and regular mail to her address of record with the Board. On January 20, 2021, the Board held an evidentiary hearing before a quorum of the Board in accordance with the Maryland Administrative Procedure Act, Md. Code Ann., State Gov’t § 10-201 *et seq.*, and the Board’s regulations, COMAR 10.34.01. The Respondent did not appear for the hearing, but the Board held the hearing in the Respondent’s absence as provided for in the Act, Md. Code Ann., Health Occ. § 12-315(g). Following the hearing, the same quorum of the Board convened to

deliberate and voted unanimously to revoke the Respondent's registration for the reasons set forth in this Final Decision and Order.

SUMMARY OF THE EVIDENCE

A. Documents

The following documents were admitted into evidence.

- State's Exhibit No. 1 - Notification of Termination, 9/20/19
- State's Exhibit No. 2 - License Printout of Information
- State's Exhibit No. 3 - Subpoena to Pharmacy A, 9/24/19
- State's Exhibit No. 4 - Respondent's Written Statement, 8/15/19
- State's Exhibit No. 5 - Respondent's Exit Interview
- State's Exhibit No. 6 - Termination Statement
- State's Exhibit No. 7 - Certificate of Records, Baltimore County Police Department
- State's Exhibit No. 8 - Disposition Statement
- State's Exhibit No. 9 - Investigative Summary, 10/21/19
- State's Exhibit No. 10 - Charges under the Maryland Pharmacy Act, 4/17/20
- State's Exhibit No. 11 - Hearing Notice, 9/24/20
- State's Exhibit No. 12 - Hearing Notice, 12/4/20

B. Witnesses

State: Ro Chen Wang, Compliance Investigator Supervisor, Maryland Board of Pharmacy

Respondent: None

FINDINGS OF FACT

Based upon the documentary and testimonial evidence admitted at the evidentiary hearing, the Board finds the following:

1. The Respondent was first registered by the Board as a pharmacy technician under Registration No. T18518 on September 2, 2016. The Respondent's registration expired on August 31, 2020. At all relevant times, the Respondent worked as a pharmacy technician at Pharmacy A, a chain pharmacy in Baltimore County. (State's Exs. 2, 6; Tr. at 11-12)

2. On July 17, 2019, Pharmacy A noticed a shortage of funds, which prompted an internal investigation. During the investigation, the Respondent was observed on camera taking money on multiple dates while working several registers. (State's Ex. 7; Tr. at 15)

3. On August 15, 2019, the Respondent voluntarily submitted a written statement admitting to taking money out of pharmacy cash registers to pay gas and electric bills. The Respondent further stated that she did not count the money prior to removing it from the register, so she was unaware of the amount she had taken. The Respondent also admitted to stealing approximately 6 tablets of Naproxen 500mg.¹ (State's Ex. 4; Tr. at 13)

4. Pharmacy A filed a report with the Baltimore County Police Department on August 15, 2019; the Respondent was subsequently arrested and charged with theft scheme: \$100 to under \$1,500. She pled guilty and received 18 months supervised probation. (State's Exs. 7, 8; Tr. at 14-16)

5. Pharmacy A terminated the Respondent's employment on August 22, 2019; on September 20, 2019, the Board received a Notification of Technician Termination from Pharmacy A. (State's Exs. 1, 5-6; Tr. at 11)

¹ Naproxen is a nonsteroidal anti-inflammatory drug (NSAID).

OPINION

Pharmacy technicians play an integral role in providing support to pharmacists and trusted care to patients. Working as a pharmacy technician requires strong ethics and morals. Pharmacy technicians are expected to act with honesty and integrity, which includes a duty to obey the law and maintain the highest level of moral and ethical conduct. By the very nature of their employment behind the pharmacy counter, pharmacy technicians have immediate access to prescription drugs and money.

Stealing money and diverting drugs for one's own personal use violates the ethical principles and obligations of the profession. A pharmacy technician's personal financial straits do not justify stealing to make ends meet. The Respondent was expected to exercise good judgment and adhere to pharmacy laws and regulations. On more than fifteen separate occasions, the Respondent failed to do so by stealing money and medication from the pharmacy. The Respondent's actions demonstrate that she acted dishonestly, betrayed her employer's and the public's trust, and failed to exercise good judgment. The Board believes that such an extreme lack of judgment and moral character is, in and of itself, more than enough justification to revoke the Respondent's registration in this case.

CONCLUSIONS OF LAW

Based upon the foregoing summary of evidence, findings of fact, and opinion, the Board concludes that the Respondent is subject to discipline pursuant to the Act, Md. Code Ann., Health Occ. §§ 12-6B-09(3) and (27), 12-313(25), and COMAR 10.34.10.01B(3).


ORDER

Based on the foregoing Findings of Fact, Opinion, and Conclusions of Law, by a unanimous decision of a quorum of the Board, it is hereby:

ORDERED that the Respondent's registration with the Board to practice as a pharmacy technician, Registration No. T18518, shall be and is **REVOKED**; and be if further,

ORDERED that this is a final order of the Maryland Board of Pharmacy and as such is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Provision § 4-333(b).

3-26-24
Date


Deena Speights-Napata, MA
Executive Director for
Neil Leikach, R.Ph., President
Maryland Board of Pharmacy

NOTICE OF RIGHT TO APPEAL

Pursuant to Md. Code Ann., Health Occ. § 12-316, the Applicant has the right to seek judicial review of this Order. Any petition for judicial review shall be filed within thirty days from the date of mailing of this Order. The cover letter accompanying this Order indicates the date the decision is mailed. Any petition for judicial review shall be made as provided for in the Administrative Procedure Act, Md. Code Ann., State Gov't § 10-21 *et seq.*, and Title 7, Chapter 200 of the Maryland Rules of Procedure.

If the Respondent files a petition for judicial review, the Board is a party and should be served with the court's process at the following address:

Maryland State Board of Pharmacy
Deena Speights-Napata, MA, Executive Director
4201 Patterson Avenue, 5th Floor
Baltimore, Maryland 21215

Notice of any petition should also be sent to the Board's counsel at the following address:

Brett E. Felter
Assistant Attorney General
Maryland Department of Health
300 West Preston Street, Suite 302
Baltimore, Maryland 21201