

IN THE MATTER OF  
ELIZABETH BROWN

Respondent

REGISTRATION No: T05708

\* BEFORE THE STATE  
\* BOARD OF  
\* PHARMACY  
\* CASE No.: PT-11-041

\* \* \* \* \*  
**FINAL ORDER**

On January 17, 2012, the Maryland State Board of Pharmacy ("the Board"), issued a Notice of Intent to Revoke the pharmacy technician registration of **ELIZABETH BROWN, Registration Number T05708, (the "Respondent") (D.O.B. 01/21/1990)**, based on her violation of the Maryland Pharmacy Act (the "Act"), codified at Md. Health Occ. Code Ann. ("H.O.") §§ 12-101, *et seq.* (2009 Repl. Vol. and 2011 Supp.).

The Board found that the Respondent violated the following provisions of H.O. § 12-6B-09:

Subject to the hearing provisions 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:

(22) Pleaded guilty or nolo contendere to, or has been found guilty of, a felony or a crime involving moral turpitude, regardless of whether:

(i) An adjudication of guilt or sentencing or imposition or sentence is withheld; or

(ii) Any appeal or other proceeding is pending regarding the matter; [and]

(27) Participates in any activity that is grounds for Board action under § 12-313 or § 12-409 of this title; to wit:

H.O. § 12-313(25) Violates any rule or regulation adopted by the Board; to wit:

COMAR 10.34.10.01 A. A pharmacist shall: (1) Abide by all federal and State laws relating to the practice of pharmacy and the dispensing, distribution, storage, and labeling of drugs and devices, including but not limited to:

(a) United States Code, Title 21,

(b) Health-General Article, Titles 21 and 22, Annotated Code of Maryland,

(c) Health Occupations Article, Title 12, Annotated Code of Maryland,

(d) Criminal Law Article, Title 5, Annotated Code of Maryland, and

(e) COMAR 10.19.03; [and]

COMAR 10.34.10.01B A pharmacist may not: (3) Engage in unprofessional conduct.

The Board made several attempts to notify the Respondent that this Final Order would be executed thirty (30) days from the Applicant's receipt of the Board's notification, unless the Applicant requested a hearing. The Board's Notice of Intent to Revoke Pharmacy Technician Registration (the "Notice.") was mailed to the Applicant's address of record by certified mail and by regular mail<sup>1</sup>. The Applicant did not request a hearing.

#### **FINDINGS OF FACT**

The Board finds the following:

1. The Respondent is registered to practice as a pharmacy technician in the State of Maryland under Registration Number T05708. The Respondent was first registered on June 10, 2009. The Respondent's registration is current and is scheduled to expire on January 31, 2013.

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<sup>1</sup> The Board also sent the Notice to an address in Amyrna, Delaware that was provided by the postal service, which also was returned.

2. At all times relevant, Respondent was employed as a Senior Pharmacy Technician at Walgreens in Chestertown, Maryland.

3. The Board received information that the Respondent was terminated from her employment at Walgreens after it was discovered that she stole controlled dangerous substances ("CDS").

4. Thereafter, the Board initiated an investigation.

5. According to a Walgreen's Loss Prevention Report, the Walgreen's Store Manager ("Store Manager") where the Respondent was employed discovered a shortage of Alprazolam 2mg tablets and Hydrocodone 7.5/325 mg tablets.<sup>2</sup> The Store Manager had also been informed of rumors in the local community that the Respondent was stealing CDS and selling them.

6. The Store Manager determined that for the period of January 25, 2011 through March 8, 2011, there was a pattern of unexplainable negative adjustments for Alprazolam 2mg tablets, totaling 420 tablets. Furthermore, on February 22, 2011, there was a questionable negative adjustment of 100 tablets of Hydrocodone 7.5/325 mg tablets.

7. Upon further research of Walgreen's inventory, the Store Manager discovered the following for February 21, 2011:

<b>Medication</b>	<b># of Tablets Negatively Adjusted</b>
Methadone 10 mg <sup>3</sup>	29 tablets
Oxycodone 30 mg <sup>4</sup>	29 tablets

<sup>2</sup> Alprazolam is a schedule IV CDS. Hydrocodone is a schedule II CDS.

<sup>3</sup> Methadone is a schedule II CDS.

<sup>4</sup> Oxycodone is a schedule II CDS.

Hydrocodone 10-325 mg	206 tablets
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8. A review of employee schedules revealed that the Respondent was the only pharmacy technician on duty during the time frames when the CDS in question were negatively adjusted.

9. A review of Walgreens' video surveillance dated February 14, 2011 revealed the Respondent removing a bottle of Hydrocodone, counting out pills and placing them in a vial without a prescription present. The Respondent failed to scan the barcode of the bottle of pills as required.

10. The Respondent admitted to stealing the following CDS:

<b>Medication</b>	<b># of Pills Stolen</b>	<b>Retail Value</b>
Alprazolam 2 mg	420 tablets	\$179.50
Hydrocodone 7.5-325 mg	100 tablets	\$67.59
Hydrocodone 10-325 mg	206 tablets	\$156.99
<b>Total:</b>	<b>726 tablets</b>	<b>\$404.17</b>

11. The Respondent denied stealing any other CDS, but admitted that she randomly adjusted the Methadone and Oxycodone tablet counts to avoid getting caught.

12. The Respondent further admitted that she had been stealing CDS for approximate two-and-a-half months, acted on her own accord, and that she both consumed and sold the CDS.

13. The Respondent paid restitution in the amount of \$404.17 to Walgreens, and was then terminated from her employment on March 18, 2011.

14. The Chestertown Police Department (“the police”) was notified and the Respondent was arrested.

15. On April 28, 2011, in the District Court of Maryland for Kent County, the Respondent pleaded guilty to Theft-Scheme: Less \$1000.<sup>5</sup> She was sentenced to 18 months incarceration with 17 months suspended and 18 months of supervised probation.

### CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board finds by a preponderance of evidence and concludes that the Respondent’s conduct as described above violates H.O. § 12-6B-09(22) Pleading guilty or nolo contendere to, or has been found guilty of, a felony or a crime involving moral turpitude, regardless of whether: (i) An adjudication of guilt or sentencing or imposition or sentence is withheld; or (ii) Any appeal or other proceeding is pending regarding the matter; and H.O. § 12-6B-09(22) Participates in any activity that is grounds for Board action under § 12-313 or § 12-409 of this title; to wit: H.O. § 12-313(25) Violates any rule or regulation adopted by the Board; to wit: COMAR 10.34.10.01B A pharmacist may not: (3) Engage in unprofessional conduct.

### ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is hereby:

**ORDERED** that the Respondent’s license to practice pharmacy is hereby **REVOKED**;


**ORDERED** that this Order is a PUBLIC DOCUMENT, pursuant to Md. Code

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<sup>5</sup> Five additional counts for Theft Less Than \$1000 were dismissed.

Ann., State Govt. § 10-611 et seq. (2009 Repl. Vol. and 2010 Supp.).

3-21-2012  
Date

  
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Michael N. Souranis, P.D., President  
State Board of Pharmacy

**NOTICE OF RIGHT TO APPEAL**

Pursuant to Md. Health Occ. Code Ann. §19-313 (2009 Repl. Vol. and 2011 Supp.), you have a right to take a direct judicial appeal. A Petition for Judicial Review must be filed within thirty (30) days of your receipt of this Order and shall be made as provided for judicial review of a final decision in the Md. State Govt. Code Ann. §§ 10-201 *et seq.* (2009 Repl. Vol. and 2010 Supp.), and Title 7, Chapter 200 of the Maryland Rules.