

IN THE MATTER OF
KERI CALVERT, R.P.T.

Registration No.:T02041
Respondent

* BEFORE THE
* STATE BOARD
* OF
* PHARMACY
* Case No. PT-09-001

* * * * *

ORDER FOR SUMMARY SUSPENSION

Pursuant to Md. State Govt. Code Ann. §10-226 (c) (2004 Repl. Vol. and 2008 Supp.), the State Board of Pharmacy (the "Board") hereby suspends the registration to practice as a Pharmacy Technician ("Pharm Tech") in Maryland issued to Keri Calvert, R.P.T. (the "Respondent"), under the Maryland Pharmacy Act (the "Act"), Md. Health Occ. Code Ann. § 12-101, et seq., (2005 Repl. Vol. and 2008 Supp.). This Order is based on the following investigative findings, which the Board has reason to believe are true:

BACKGROUND

1. At all times relevant hereto, the Respondent was registered to practice as a pharmacy technician in Maryland. The Respondent was first registered on August 13, 2008. The Respondent's registration expires on April 30, 2010.
2. At all times relevant hereto, the Respondent worked as a Pharm Tech at the Rite Aid pharmacy on Belair Road in Baltimore, Maryland. The Respondent was hired on November 28, 2004 and was terminated on July 30, 2008.
3. On July 29, 2008, the Respondent signed a Letter of Explanation which stated that she was sorry for her behavior for the last five months and that she had been going to NA meetings for addiction because she knew she needed help for her

addictions. The Respondent further explained that was relieved that she "got caught" and that she had taken Xanax, Hydrocodone, Norco, and Ambien from the pharmacy.¹

4. By letter dated July 30, 2008, Rite Aid informed the Drug Enforcement Administration (DEA) that it had confirmed a suspected loss, and would initiate a loss prevention investigation, and notify the local police department and state regulatory agency. Rite Aid further stated that it would submit a DEA-106 form once it had gathered adequate information about the actual loss. Rite Aid further indicated that a Pharmacy Technician admitted theft of various controlled drugs during a loss prevention interview on July 29, 2008. The notification included a listing of the drugs, attached hereto and made a part hereof, as Exhibit # 1.

5. On October 27, 2008, criminal charges were brought against the Respondent in the Circuit Court for Baltimore County, as follows:

- A. Theft-Scheme of \$500 plus, pursuant to the Criminal Law Code (Cr.) 7.104;
- B. CDS Possession with Intent to Distribute; Cr 5.602;
- C. CDS Possession, not marijuana: Cr 5.601 (a) (1);
- D. CDS Possession with intent to distribute: Cr 5.602; and,
- E. CDS Possession, not marijuana: Cr 5.601. (a) (1).

¹Xanax (alprazolam) is indicated for the management of anxiety disorder. Hydrocodone is a combination of a narcotic and acetaminophen used to relieve moderate to severe pain. Ambien is a sedative, also called hypnotic. It affects chemicals in the brain that may become unbalanced and cause sleep problems (insomnia). It is also used for the short-term treatment of insomnia. Norco is classified as a Schedule III controlled substance, and is indicated for the relief of moderate to severely moderate pain.

FINDINGS OF FACT

1. As set forth above, by stealing addictive medication from her employer, the Respondent is a threat to the public health, safety or welfare.
2. The above actions also constitute violations of the Board's Act. Specifically, the Respondent violated the following provisions of the following sections of § 12-6B-09:

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;
- (25) Violates any regulation adopted by the Board;
- (27) Participates in any activity that is grounds for Board action under § 12-313 or § 12-409 of this title;

To wit:

The Respondent also violated the Pharmacist and Pharmacy Technicians Code of Conduct, Code Md. Regs. Tit. 10, § 34.10. (January 28, 2008):

.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;

B. A pharmacist may not:

(1) Engage in conduct which departs from the standard of care ordinarily exercised by a pharmacist; or

(3) Engage in unprofessional conduct.

CONCLUSIONS OF LAW

Based on the foregoing, the Board finds that the public health, safety or welfare imperatively requires emergency action, pursuant to Md. St. Gov't. Code Ann. §10-226(c) (2) (2004 Repl. Vol.).

ORDER

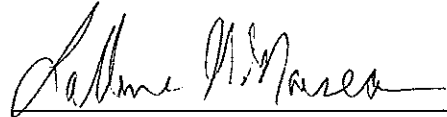
Based on the foregoing, it is therefore this 19th day of **March**, 2009, hereby **ORDERED**, by a majority vote of a quorum of the State Board of Pharmacy, by authority granted by the Board by Md. St. Gov't. Code Ann. §10-226(c)(2) (2004 Repl. Vol.), that the registration held by the Respondent to practice as a pharmacy technician in Maryland, Registration No. T02041, is hereby **SUMMARILY SUSPENDED**; and be it further

ORDERED, that upon the Board's receipt of a written request from the Respondent, a Show Cause Hearing shall be scheduled within a reasonable time of said request, at which the Respondent will be given an opportunity to be heard as to whether the Summary Suspension should be continued, regarding the Respondent's fitness to practice as a Pharm Tech and the danger to the public; and be it further

ORDERED, that the Respondent shall immediately turn over to the Board her wall certificate and wallet-sized registration to practice as a Pharm Tech issued by the Board;

and be it further

ORDERED, that this document constitutes a final Order of the Board and is therefore a public document for purposes of public disclosure, as required by Md. State Gov't Code Ann. §10-617(h) (2004 Repl. Vol.).



LaVerne G. Naesea, Executive Director
Board of Pharmacy

NOTICE OF HEARING

A Show Cause hearing to determine whether the Summary Suspension shall be continued will be held before the Board at 4201 Patterson Avenue, Baltimore, 21215 following a written request by the Respondent for same.