

IN THE MATTER OF	*	BEFORE THE
MYKIARA CHEW	*	STATE BOARD
PHARMACY TECHNICIAN	*	OF PHARMACY
Respondent	*	Case No. 22-179
Registration No. T25493	*	

* * * * *

FINAL ORDER

On November 16, 2022, the State Board of Pharmacy (the “Board”) hereby notified **MYKIARA CHEW, Pharmacy Technician** (the "Respondent"), **Registration No. T25493**, of the Board’s intent to REVOKE her registration to practice as a pharmacy technician, pursuant to the Maryland Pharmacy Act (the “Act”), Md. Code Ann., Health Occ. §§ 12-101 *et seq.* The basis for the Board’s action was pursuant to the following provisions of the Act and COMAR:

The relevant provisions are as follows:

§ 12-6B-09: Denial, 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;
- (24) Is disciplined by a licensing, registering, or disciplinary authority of any state . . . for an act that would be grounds for disciplinary action under the Board's disciplinary statutes;
- (25) Violates any regulation adopted by the Board;

The underlying action under Health Occ. § 12-6B-09 (25) cited above includes, but is not limited to the following:

Chapter 10.34.10. Pharmacist, Pharmacy Intern, and Pharmacy Technician Code of Conduct

COMAR § 10.34.10.01. Patient Safety and Welfare.

- B. A pharmacist may not:
 - (1) Engage in conduct which departs from the standard of care ordinarily exercised by a pharmacist;
 -
 - (3) Engage in unprofessional conduct.

FINDINGS OF FACT

The Board based its charges on the following facts that the Board has cause 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 issued a registration on August 3, 2021. The Respondent allowed the registration to expire on September 30, 2022.
2. At all times relevant herein, the Respondent was employed at a pharmacy in Odenton, Anne Arundel County, Maryland, hereinafter, the Pharmacy¹.
3. On or about January 30, 2022, the Lead Coordinator and the Pharmacy Drug Loss Team Coordinator of the Pharmacy notified the Board that the Respondent was

¹ Names of individuals and facilities are confidential.

terminated for drug diversion from the Pharmacy and had admitted to stealing a quantity of 310 tablets of oxycodone² and 90 Suboxone 8/2 films³.

4. Specifically, on December 2, 2021, the Pharmacy Manager noticed that a script for Oxycodone HCL 15 mg was missing when the customer came to pick it up. He contacted the District Asset Protection Leader about the script, who reviewed video footage and observed the Respondent pulling scripts from a waiting bin on that date.

5. The Respondent was also viewed pulling scripts for Oxycodone HCL 15 mg which had gone missing in August and October.

6. On December 16, 2021, the District Asset Protect Leader interviewed the Respondent who admitted taking three scripts of Oxycodone 15 mg from the waiting bin and three boxes of Suboxone 8/2 mg films. The Respondent claimed that she took the medication for her sister and was able to take them from the pharmacy area when she took the trash out. The Respondent acknowledged that taking the drugs was wrong and agreed to reimburse the Pharmacy for its loss. The Respondent signed a statement to that effect, as well as a promissory note.

7. The Anne Arundel County Police were contacted, and the Respondent was arrested and charged in the District Court for Anne Arundel County with the following criminal offenses:

Theft Scheme: \$1000 to \$25,000, Felony, Offense from 6/14-12/2/21

CDS Possess, not Marijuana, Misdemeanor, Offense from 12/16/21⁴

² Oxycodone is a narcotic which treats moderate to severe pain.

Theft Less than \$100, Misdemeanor, Offense date 12/16/21

Theft \$100 to under \$1500, Misdemeanor, Offenses from 12/16/21

8. On August 22, 2022, the above cases were all placed on the stet docket.⁵

9. The Pharmacy filed a “Report of Theft or Loss of Controlled Substances” Drug Enforcement Administration [DEA] Form 106 as required on January 26, 2022, indicating that the theft was caused by “suspected employee theft” and amounted to \$2532 worth of controlled substances taken. It listed the following drugs stolen/lost:

Oxycodone HCL 15 MG Tablets	146 tablets
Suboxone 8mg-2mg SL Film	120
Oxycodone HCL 15 MG Tablets	90
Buprenorphine-Naloxone 8-2 mg Film	80
Buprenorphine-Naloxone 8-2 mg Film	45
Oxycodone HCL ER 10 MG Tablet	1

10. On December 16, 2021, the Respondent signed a Promissory Note to reimburse the Pharmacy \$4,682.90 for its loss.

11. As set forth above, a Pharmacy Technician who steals drugs from her employer is a threat to the public health, welfare or safety. Accordingly, on May 16, 2022, the Board issued to the Respondent an Order of Summary Suspension. Despite receiving said Order, at

³ Suboxone film contains two medicines: buprenorphine and naloxone and is used to treat opioid dependence/addiction.

⁴ Following the arrest, the police searched the Respondent’s vehicle and found some alprazolam pills, Suboxone boxes and blank vaccination cards therein, on 12/16/21. Alprazolam treats anxiety and panic disorder.

⁵ Stet is a Latin term that means “let it stand.” A “stet” is an indefinite postponement. A guilty verdict is not entered, but a “stet” is not an acquittal or dismissal. The charges remain; but they are not active in the system.

the Board's inspection of another (hospital) pharmacy located in Baltimore, on June 22, 2022, the Inspector found that the Respondent was performing duties there as a pharmacy technician. (She was later terminated from that position once the hospital pharmacy learned of her suspension, which the Respondent was aware of but the hospital pharmacy, which had hired her prior to the suspension, had not known.)

12. On August 31, 2022, a Show Cause hearing was held to determine whether the Board would continue the Summary Suspension. Based upon the information obtained at the hearing, the Board voted to continue the Suspension on September 22, 2022.

13. As set forth above, by stealing drugs from her employer, the Respondent violated the Board's Act, pursuant to §§ 12-6B-09 (3) Fraudulently uses a pharmacy technician's registration; (24) Is disciplined by a licensing, registering, or disciplinary authority of any state . . . for an act that would be grounds for disciplinary action under the Board's disciplinary statutes; (25) (Violates any regulation adopted by the Board)[;].

14. The Respondent also violated (COMAR § 10.34.10.01. B. A pharmacist may not:(1) Engage in conduct which departs from the standard of care ordinarily exercised by a pharmacist; and (3) Engage in unprofessional conduct.)

15. As set forth above, the Respondent violated the Act and regulations of the Board.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes that the Respondent violated Health Occ. §§12-313 (3), (24) and (25), and COMAR § 10.34.10.01 B (1) and (3).

ORDER

As set forth above, the Board hereby orders that the registration to practice as a Pharmacy Technician in Maryland held by **MYKIARA CHEW, Pharmacy Technician, Registration No. T25493**, the Respondent, be and is **REVOKED**, and that this Order is public, pursuant to Md. Code Ann., General Provisions §§ 4-101 *et seq.* (2019 Repl. Vol. and 2021 Supp.).

2/15/23
Date

Jennifer Hardesty
Jennifer Hardesty, Pharm.D., President
State Board of Pharmacy

NOTICE OF RIGHT OF APPEAL

In accordance with §12-316 of the Act and Md. Code Ann., State Government §§10-201 *et seq.* (2021 Repl. Vol.), 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.