

IN THE MATTER OF	*	BEFORE THE MARYLAND
KRISTIN GUINN,	*	STATE BOARD OF
PHARMACY TECHNICIAN	*	PHARMACY
Registration No.: T21639	*	Case No. 20-020
Respondent	*	

* * * * *

FINAL ORDER

On October 22, 2020, the State Board of Pharmacy (the “Board”) notified **KRISTIN GUINN**, Pharmacy Technician, (the “Respondent”), **Registration No.: T21639**, of the Board’s intent to **REVOKE** her pharmacy technician registration, pursuant to the Maryland Pharmacy Act (the “Act”), Md. Code Ann., Health Occ. §§ 12-101 *et seq.* (2014 Repl. Vol. and 2019 Supp.). The specific statutory and regulatory authorities are discussed below.

STATUTORY AND REGULATORY AUTHORITY

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;
- (25) Violates any regulation adopted by the Board; and

- (27) Participates in any activity that is grounds for Board action under § 12-313 or § 12-409 of this title[.]

The underlying grounds for Board action under § 12-6B-09 (25) is:

COMAR 10.34.10.:

.01 Patient Safety and Welfare.

B. A pharmacist may not:

- (3) Engage in unprofessional conduct.

The underlying grounds for Board action under § 12-6B-09 (27) is:

Health Occ. § 12-313 (15), which prohibits a pharmacist from “Dispens[ing] any drug, device, or diagnostic for which a prescription is required without a written oral, or electronically transmitted prescription from an authorized provider.”

FINDINGS OF FACT

1. At all times relevant hereto, the Respondent was registered to practice as a pharmacy technician in Maryland. The Respondent was first registered on October 9, 2018, and Respondent's registration expires on February 29, 2020.

2. At all times relevant hereto, the Respondent was employed as a pharmacy technician at a national chain pharmacy, in Allegany County, Maryland, hereinafter “the Pharmacy.”¹

3. On or about June 21, 2019, the Board received an “Initial Notification of Controlled Substance Theft or Potentially Significant Loss” (the “Notice”) from the

¹ For confidentially purposes, the names of pharmacies and all individuals referenced herein will not be identified in this document, but the Respondent or counsel may request this information from the Administrative Prosecutor.

Pharmacy. The Notice advised that the Pharmacy would investigate and notify the Board of the outcome of the investigation.

4. According to the Notice, the following controlled substances were identified as missing due to employee theft:

- a. Alprazolam² 0.5 mg tablet
- b. Alprazolam 0.25 mg tablet
- c. Alprazolam 1 mg tablet
- d. Lorazepam³ 1 mg tablet
- e. Clonazepam⁴ 1 mg tablet

5. Subsequently, the Pharmacy identified the Respondent as the employee responsible for the theft of controlled substances identified in paragraph 4 above.

6. After receiving the Notice the Board opened an investigation.

7. On or about July 24, 2019, the Board issued a subpoena and requested that the Pharmacy provide the Respondent's employment file, termination report, interviews, written statements, surveillance videos and/or photographs, police report, and DEA Form 106.

8. In response to its subpoena the Board received a copy of the Pharmacy's investigative report and the Respondent's statement admitting to the theft of drugs from the Pharmacy.

² Alprazolam (Xanax) is a benzodiazepine, which affects chemicals in the brain that may be unbalanced in people with anxiety disorder. Alprazolam is used to treat anxiety disorders, panic disorders, and anxiety caused by depression.

³ Lorazepam is a benzodiazepine used to treat anxiety and other psychiatric disorders.

⁴ Clonazepam (Klonopin) is an anticonvulsant used to treat and control seizures and panic disorder.

9. According to the report received from the Pharmacy Loss Prevention Manager, (“Witness A”), a pharmacy employee reported to a supervisor that on or about May 29, 2019, the employee observed the Respondent putting something in the pocket of her scrubs.

10. According to Witness A, Witness A and pharmacy staff reviewed the Pharmacy dispensing records and conducted loss prevention drug counts and discovered that there were documented losses during the shifts the Respondent worked at the Pharmacy.

11. On or about June 20, 2019, Witness A interviewed the Respondent about the missing drugs and the Respondent admitted that she stole medication from the Pharmacy.

12. In a hand-written Statement dated June 20, 2019, the Respondent stated she stole drugs from the Pharmacy for her own use.

13. The Respondent admitted in her statement that she stole the following drugs at an estimated loss to the Pharmacy of \$417.54:

- a. Alprazolam 0.25 mg tablet (75)
- b. Alprazolam 0.5 mg tablet (300)
- c. Alprazolam 1 mg tablet (150)
- d. Lorazepam 1 mg tablet (75)
- e. Clonazepam 1 mg tablet (10)

f. Sertraline⁵ 1mg (10)

14. The Respondent admitted that she was stealing drugs for personal use. She stated: “I became addicted to the drugs and couldn’t stop myself from taking them.”

15. The Respondent agreed to reimburse the Pharmacy for the loss incurred from the theft of the stolen drugs and signed a Promissory Note to repay the Pharmacy in the amount of \$417.54.

16. Pharmacy staff reported the thefts to the Maryland State Police.

17. The Respondent was charged in Allegany District Court with “THEFT: \$100 TO UNDER 1,500” and 4 counts of CDS: POSSESS-NOT-MARIJUANA.”

18. The case was transferred to Allegany Circuit Court and a trial is scheduled for November 15, 2019.

19. The Respondent’s theft of CDS from her employer presents a danger to the public health, safety, and welfare, and the summary suspension of the Respondent’s license is in the best interest of the public.

20. The Board summarily suspended the Respondent’s registration on September 9, 2019.

CONCLUSIONS OF LAW

The Respondent’s theft of CDS from the Pharmacy employer as described herein violates:

Health Occ. § 12-6B-09:

⁵ Sertraline (Zoloft) is an antidepressant in a class of drugs called Selective Serotonin Reuptake Inhibitors (SSRIs). Sertraline is a medication used to treat depression.

- (3) Fraudulently uses a pharmacy technician's registration;
- (25) Violates any regulation adopted by the Board; and
- (27) Participates in any activity that is grounds for Board action under § 12-313 or § 12-409 of this title [.]

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 29th day of January, 2021, by a majority of the quorum of the Board considering this case hereby:

ORDERED that effective the date of this Order, the Respondent's pharmacy technician registration, **Registration No.: T21639**, to practice as a pharmacy technician in the State of Maryland is hereby **REVOKED**;

ORDERED that the Respondent shall return to the Board all Board Registration documents identifying her as a registered pharmacy technician; and

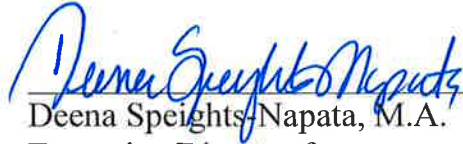
ORDERED that this Order is a **PUBLIC DOCUMENT** pursuant to Md. General Provisions §§ 4-104 *et seq.* (2014).

NOTICE OF RIGHT OF APPEAL

In accordance with § 12-316 of the Act and Md. Code Ann., State Government §§ 10-201, *et seq.* (2014 Repl. Vol. and 2019 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 aforecited authority.

1-29-21
Date


Deena Speights-Napata, M.A.
Executive Director for
Kevin Morgan, Pharm.D., President
State Board of Pharmacy