

IN THE MATTER OF	*	BEFORE THE
STEPHANIE A. HOLT, R.Ph.	*	MARYLAND STATE
Respondent	*	BOARD OF PHARMACY
License Number: 24878	*	Case Number: 22-099
* * * * *		

FINAL ORDER

Procedural Background

On May 17, 2023, the Maryland Board of Pharmacy (“Board”) issued Charges against the pharmacist’s license held by Stephanie A. Holt, R.Ph. (the “Respondent”), based on allegations that Respondent was terminated by her pharmacy employer for stealing approximately \$12,000 from the pharmacy. On August 1, 2023, the Board delegated this case to the Office of Administrative Hearings (“OAH”) to conduct a contested case hearing and prepare proposed findings of fact, proposed conclusions of law, and a proposed order. Md. Code Ann., State Gov’t §§ 10-201 through 10-226.

Subsequently, on October 17, 2023, the OAH Clerk’s Office mailed to the parties via certified mail a Notice of Remote Prehearing Conference (“Notice”) at their addresses of record.¹ The Notice advised the parties that a prehearing conference was scheduled for November 15, 2023, at 9:30 a.m., via the Webex video-conferencing platform. The Notice also cautioned the parties that failure to appear for the conference may result in a dismissal of the case or a decision against the party failing to appear. The Notices sent to the

¹ OAH sent the Notice to the Respondent at two separate addresses of record provided by the Board.

Respondent were returned by the United States Postal Service marked as “attempted – not known – unable to forward.”²

The ALJ convened the remote pre-hearing conference on November 15, 2023, as scheduled. The conference was recorded. The Administrative Prosecutor appeared on behalf of the State. No one appeared on behalf of the Respondent. At no time did the Respondent contact the OAH Clerk’s office to report any difficulties connecting to the Webex hearing room. The Respondent did not request a postponement in advance of the conference.

At the pre-hearing conference, the ALJ waited for fifteen minutes after which the Administrative Prosecutor filed a Motion for Default against the Respondent in accordance with COMAR 28.02.01.23A. Under OAH’s rules of procedure, “[i]f, after receiving proper notice, a party fails to attend or participate in a prehearing conference, hearing, or other stage of a proceeding, the judge may proceed in that party’s absence or may, in accordance with the hearing authority delegated by the agency, issue a final or proposed default order against the defaulting party.” COMAR 28.02.01.23A.

The ALJ granted the Motion for Default and issued the Proposed Default Order, dated November 29, 2023, wherein the ALJ proposed that the Allegations of Fact as set forth in the Board’s Charges be adopted as findings of fact, that the Board conclude as a matter of law that pursuant to the Act, the Respondent is subject to disciplinary action, including revocation under Health Occ. Art. §§ 12-313(b)(2) and 12-313(b)(25), and that

² OAH previously sent the Notice to the Respondent at the same addresses of record via regular mail on August 8, 2023, for prehearing conference date of October 4, 2023, which were also both returned as undeliverable. The prehearing conference was rescheduled to November 15, 2023.

the Board impose any disciplinary action it finds appropriate, including revocation of the Respondent's pharmacist's license.

The OAH mailed copies of the Proposed Default Order to the Respondent at both addresses of record. The Proposed Default Order notified the parties that they may file written exceptions to the proposed order within 30 days of the receipt of the Proposed Default Order. The Proposed Default Order stated that any exceptions and request for a hearing must be sent to the Board with a copy provided to the opposing party. Neither party filed exceptions.

FINDINGS OF FACT

Because the Respondent failed to contest the factual allegations contained in the Board's Charges, and did not file exceptions to the ALJ's Proposed Default Order, the following findings of fact are adopted from the allegations of fact in the May 17, 2023, Charges and are deemed proven by the preponderance of the evidence:

1. At all times relevant hereto, the Respondent was licensed to practice pharmacy in the State of Maryland.
2. The Respondent was originally licensed to practice pharmacy in Maryland on or about April 26, 2017.

3. At all times relevant hereto, the Respondent was employed as a pharmacist at a pharmacy (“Pharmacy”)³ located in Maryland. The Respondent began her employment at the Pharmacy in 2017.
4. On or about November 3, 2021, the Board received a DEA Form 106 – Report of Theft or Loss from the owner of the Pharmacy (the “Owner”) notifying the Board that the Respondent was terminated for stealing over \$12,000 from the Pharmacy.
5. An investigation conducted by the Owner and the Charles County Sheriff’s Office revealed the following:
 - a. In or around September 2021, the Owner was contacted by a risk investigator (“Investigator”) for a credit/debit card company (“Credit Card Monitor”) that the Pharmacy used to process its credit/debit card transactions about suspicious activity on the Pharmacy’s account.
 - b. The Investigator informed the Owner that approximately 21 credit/debit card returns intended for the Pharmacy had been returned to the Respondent’s personal credit cards.
 - c. The Owner did not authorize credit/debit card returns intended for the Pharmacy to be returned to the Respondent’s personal credit cards.
 - d. After receiving this information from the Investigator, the Owner went to the Charles County Sheriff’s Department (“Sheriff’s Department”) located in Maryland and filed a complaint against the Respondent.

³ For privacy purposes, the names of individuals and facilities involved in this case are not disclosed in this document. The Respondent had the opportunity to obtain this information through discovery.

- e. A subsequent investigation conducted by the Sheriff's Department revealed that the credit/debit card return transactions meant for the Pharmacy had been returned to the Respondent's personal credit cards.
 - f. On or about October 14, 2021, the Respondent was interviewed by a sheriff (the "Sheriff") from the Sheriff's Department. During the interview, the Respondent admitted that she has had credit/debit card returns intended for the Pharmacy returned to her personal credit cards starting approximately one year after she was employed there.
6. The Respondent's license expired on November 30, 2022. The Respondent's current licensure status is non-renewed.⁴

CONCLUSIONS OF LAW

Based upon the foregoing findings of fact, the Board concludes that the Respondent is subject to disciplinary action based on Health Occ. §§ 12-313(b)(2) and (25), and COMAR 10.34.10.01B(3).

SANCTION

The Board adopts the recommendation by the ALJ to impose a sanction, and thus, imposes a revocation of the Respondent's license to practice pharmacy in Maryland. The Respondent was able to engage in her misconduct solely through her practice at the

⁴ The Board takes administrative notice of its licensing files that include public information regarding license expiration dates and licensure status.

Pharmacy and her actions demonstrate the Respondent's deliberate decision to repeatedly misuse her access as a pharmacist for her own financial gain.

ORDER

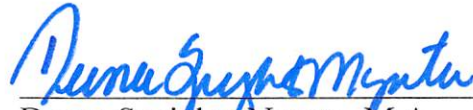
It is, on the affirmative vote of a quorum of the Board, hereby,

ORDERED that the license held by Stephanie A. Holt, R.Ph., is **REVOKED**; and it is further

ORDERED that this is a final order and public document in accordance with General Provisions Art., § 4-333(b)(6), and it shall be posted and reported in accordance with State and federal laws.

3-4-24

Date



Deena Speights-Napata, M.A.
Executive Director for
Neil Leikach, R.Ph., President

NOTICE OF RIGHT TO PETITION FOR JUDICIAL REVIEW

Pursuant to Md. Code Ann., Health Occ. § 12-316, the Respondent has the right to seek judicial review of this Order. Any petition for judicial review shall be filed within thirty (30) 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 § 10-222 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 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:

**Linda M. Bethman
Assistant Attorney General
Maryland Department of Health
300 West Preston Street, Suite 302
Baltimore, Maryland 21201**