

<b>IN THE MATTER OF</b>	*	<b>BEFORE THE</b>
<b>TIFFANY MICHAUD, PHARM TECH</b>	*	<b>STATE BOARD</b>
<b>Registration No.: T18902</b>	*	<b>OF</b>
<b>Respondent</b>	*	<b>PHARMACY</b>
	*	<b>Case No. 18-042</b>

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**FINAL ORDER OF REVOCATION  
OF PHARMACY TECHNICIAN'S REGISTRATION**

On December 19, 2018, the State Board of Pharmacy (the "Board"), notified **TIFFANY MICHAUD**, Pharmacy Technician (Pharm Tech), the Respondent, of its Intent to Revoke her pharmacy technician registration.

The Notice also informed the Respondent that, unless she requested a hearing in writing within 30 days of receipt of said Notice, the Board would sign the Final Order, which was enclosed. More than 30 days have elapsed and the Respondent failed to timely request a hearing. Therefore, this revocation is final.

The Board bases its action on the Respondent's violation of the following provisions of the Act, Md. Code Ann., Health Occupations (Health Occ.) §§ 12-101 *et seq.* (2014 Repl. Vol. and 2017 Supp.):

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

With respect to HO § 12-6B-09 (27), the underlying grounds for Board action under § 12-313 include:

- (25) Violates any rule for regulations adopted by the Board [;].

The pertinent provision of the Board's regulations under Code Md. Regs. ("COMAR") § 10.34.10 provides:

.01 Patient Safety and Welfare.

B. A pharmacist may not:

- (3) Engage in unprofessional conduct.

**FACTS THAT WARRANT  
THE REVOCATION OF THE RESPONDENT'S REGISTRATION**

1. At all times relevant hereto, the Respondent was registered to practice as a Pharm Tech in Maryland. The Respondent was first registered on December 6, 2016. The Respondent's registration expired on June 30, 2018.

2. At all times relevant hereto, the Respondent was employed as a Pharm Tech at a National chain pharmacy in Forest Hills, Harford County, Maryland, hereinafter "the Pharmacy."<sup>1</sup>

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<sup>1</sup> For confidentially purposes, the names of pharmacies and all individuals referenced herein will not be identified in this document.

3. On or about September 12, 2017, the Board received information from the Pharmacy indicating that the Respondent was involved in a loss/theft of controlled substances, as follows:

- A. On July 7, 2017, the Pharmacy Manager at the Pharmacy was instructed by the Assets Protection Manager to conduct daily counts on Carisoprodol,<sup>2</sup> 350 mg, which had shown negative counts over the last 13 weeks;
- B. On July 8, 2017, the Pharmacy Manager informed the Assets Protection Manager that there was a shortage of 10 tablets of Carisoprodol, 350 mg, discovered since the initial count on July 7, 2017. The Pharmacy Manager also advised the Asset Protection Manager that a review of the Closed-Circuit TV (CCTV) footage revealed that the Respondent had taken the Carisoprodol from the fast track, poured tablets into her palm from the stock bottle, and then concealed them on her person;
- C. On July 8, 2017, the Asset Protection Manager also reviewed the CCTV footage and confirmed the above information;
- D. On July 14, 2017, the Asset Protection Manager, with the Pharmacy Manager present, interviewed the Respondent, who admitted, orally and in writing, that she had stolen Carisoprodol, 350 mg, from the

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<sup>2</sup> Carisoprodol is a muscle relaxer used to treat pain and stiffness in muscles caused by strains, sprains, or other injury.

Pharmacy on multiple occasions over the past several months. The

Respondent also admitted that she had stolen one tablet of

Alprazolam<sup>3</sup>, 2 mg, tablet;

- E. The Respondent claimed that she used the Carisoprodol to self-medicate to cope with physical and mental pain she had been experiencing;
- F. The Respondent agreed to sign a “Voluntary Restitution/Promissory Note for \$28.64, which was paid with the balance of her cash payout for hours owed;
- G. The Respondent was then terminated from employment with the Pharmacy for theft.

4. The Pharmacy submitted a Drug Enforcement Administration (DEA) “Report of Theft or Loss of Controlled Substances” form to the Board regarding the above, which contained the following:

- A. The form indicated that the loss was caused by employee pilferage;
- B. The report indicated that preventive acts would be regular counting of inventory; only pharmacist to access C2 medications; and, double counting of product at fill and back counting bottles;
- C. The loss totaled \$450.20;
- D. The losses were listed as follows:

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<sup>3</sup> Alprazolam is a benzodiazepine used to treat anxiety and panic attacks.

Alprazolam, 0.25 mg	323 tablets
Alprazolam, 1 mg	211 tablets <sup>4</sup>

5. For theft from the pharmacy, the Respondent was charged with two criminal counts in the District Court for Harford County: Count One: Theft less than \$100; and, Count Two: CDS Poss—not marijuana. On August 13, 2018, the Respondent pled “not guilty” with an agreed statement of facts to Count One and received Probation Before Judgment.<sup>5</sup> Count Two was nolle prossed<sup>6</sup>.

6. Stealing drugs from one’s employer is a violation of Health Occ. §12-6B-09 (3) (Fraudulently uses a pharmacy technician’s registration.)

7. Stealing drugs from one’s employer is also a violation of Health Occ. §§12-6B-09 (27) (Participates in any activity that is grounds for Board action under § 12-(313), namely, § 12-313 (b) (25) (Violates any rule or regulation adopted by the Board [;]). Specifically, the thefts violated COMAR § 10.34.10.01 B. A pharmacist may not: (3) Engage in unprofessional conduct.)

<sup>4</sup> It is unclear why Alprazolam is listed and Carisoprodol is not.

<sup>5</sup> Probation Before judgment under Md. Criminal Code, § 6-620:

- (b) In general.-
- (1) When a defendant pleads guilty or nolo contendere or is found guilty of a crime, a court may stay the entering of judgment, defer further proceedings, and place the defendant on probation subject to reasonable conditions if:
    - (i) the court finds that the best interests of the defendant and the public welfare would be served; and
    - (ii) the defendant gives written consent after determination of guilt or acceptance of a nolo contendere plea.
  - (2) Subject to paragraphs (3) and (4) of this subsection, the conditions may include an order that the defendant:
    - (i) pay a fine or monetary penalty to the State or make restitution; or
    - (ii) participate in a rehabilitation program, the parks program, or a voluntary hospital program.

<sup>6</sup> Nolle Prossed: *Nolle Prosequi* is a Latin term that means “no longer prosecute.” In Maryland, when the State enters a *nolle prosequi*, it means that the State is electing not to pursue the case and is dropping the charges. At this point,

8. The Respondent's conduct, as set forth above, constitutes a violation of Health Occ. §§12-6B-09 (3) and (27), Health Occ. § 12-313(25), and COMAR 10.34.10.01 B (3).

**CONCLUSIONS OF LAW**

Based upon the foregoing Findings of Fact, the Board concludes that the Respondent violated Health Occ. §12-6B-09 (3) and (27), Health Occ. § 12-313(25), and COMAR § 10.34.10.01 B (3).

**ORDER**

As set forth above, the Board hereby Orders, that the registration to practice as a Pharmacy Technician in Maryland held by **TIFFANY MICHAUD, Registration No. T18902**, the Respondent, be and is **REVOKED**, and that this Order is public, pursuant to Md. Code Ann., General Provisions §§ 4-101 *et seq.* (2014 Repl. Vol. and 2017 Supp.).

**NOTICE OF RIGHT OF APPEAL**

In accordance with §12-316 of the Act and Md. Code Ann., St. Gov't. §§10-201, *et seq.* (2014 Repl. Vol. and 2017 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.

6/19/2019  
Date

Kevin M. Morgan  
Kevin Morgan, Pharm.D., President  
State Board of Pharmacy

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the case becomes closed.