IN THE MATTER OF	*	**BEFORE THE**
KIYOMI NICHOLS, PHARM TECH	*	**STATE BOARD**
Registration No.: T18111	*	**OF**
Respondent	*	**PHARMACY**
	*	**Case No. PT-17-015**

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ORDER FOR SUMMARY SUSPENSION OF REGISTRATION TO PRACTICE AS A PHARMACY TECHNICIAN

Pursuant to Md. Code Ann., State Gov't. II ("SG"), §10-226 (c) (2) (2014Repl. Vol.), the State Board of Pharmacy (the "Board") hereby **SUMMARILY SUSPENDS** the registration of **KIYOMI NICHOLS, PHARM. TECH.** (the "Respondent"), to practice as a Pharmacy Technician in the State of Maryland, finding that the public health, safety, or welfare imperatively requires emergency action.

INVESTIGATIVE FINDINGS

Based on information received by, and made known to the Board, and the investigatory information obtained by, received by and made known to and available to the Board, including the instances described below, the Board has reason to believe that the following facts are true: [1]

1. At all times relevant hereto, the Respondent was registered to practice as a pharmacy technician in the State of Maryland. The Respondent was first registered to practice as a pharmacy technician on May 31, 2016. The Respondent's registration expires on November 30, 2017.

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[1] The statements regarding the Respondent's conduct are intended to provide the Respondent with notice of the basis of the suspension. They are not intended as, and do not necessarily represent, a complete description of the evidence, either documentary or testimonial, to be offered against the Respondent in connection with this matter.

2. At all times relevant hereto, the Respondent was employed as a pharmacy technician at a national chain pharmacy ("Pharmacy A") in Upper Marlboro, Prince George's County, Maryland.

3. On or about December 2, 2016, a detective ("Detective A") with the Prince George's County Police Department informed the Board that the Respondent had been arrested and charged with possession of Promethazine with Codeine[2], Distribution, and Theft under $1000 in the District Court of Maryland for Prince George's County.

4. On or about December 7, 2016, the Board received additional information from Pharmacy A stating that it had terminated the Respondent from her employment on December 2, 2016. Pharmacy A provided a Report of the Incident to the Board, which stated the following:

A. On October 26, 2016, Pharmacy A's District Manager conducted a pharmacy inventory review and determined that there were medications missing. The District Manager then contacted the medical supply company and received replacement order sheets to verify what medications were stolen.

B. On November 2, 2016, Pharmacy A's Asset Protection District Manager contacted Detective A with the Prince George's County Police Department, Narcotics Enforcement Division, assigned as a Task Force Officer with the United States Drug Enforcement

[2]Codeine is a narcotic pain reliever and a cough suppressant. Promethazine is an antihistamine which blocks the effects of the naturally occurring chemical histamine in one's body. Codeine and promethazine is a combination medicine used to treat cold or allergy symptoms such as runny nose, sneezing, and cough.

Administration (DEA) to inform her of the theft of medications from Pharmacy A.

C. The Asset Protection District Manager stated that the Respondent ordered Promethazine with Codeine and Promethazine VC with Codeine[3], both Schedule V Controlled Dangerous Substances ("CDS"), from Pharmacy A's computer terminal. After receiving the medications, the Respondent placed them in her purse and later sold them to another individual.

D. Detective A met with the Respondent later on November 2, 2016, and advised her of her Miranda rights. After waiving her rights, the Respondent informed Detective A that on several different occasions she ordered various amounts of Schedule V cough syrup and threw away the receipts. The Respondent entered into the computer that zero bottles were received, put medications in her purse, transported the bottle(s) to her residence and sold them for $250 to another individual.

E. Based upon the supplier's receipts and video footage, Pharmacy A determined the following:

(1) On August 26, 2016, the Respondent ordered one bottle of Promethazine with Codeine, 16 oz., for the price of $32.70 from the supplier which was charged to Pharmacy A. Three days later the Respondent received the bottle at Pharmacy A and

[3]VC stands for the addition of a decongestant, so there are promethazine, which is an antihistamine, and codeine, an opioid, all in one.

threw the receipt away. After recording zero inventory received in the computer, she transported the bottle in her purse to her residence where she sold the cough syrup for $250 to another individual.

(2) On August 29, 2016, the Respondent ordered one bottle of Promethazine with Codeine, 16 oz., for the price of $32.70 from the supplier which was charged to Pharmacy A. The next day, the Respondent received the bottle at Pharmacy A and threw the receipt away. After recording zero inventory received in the computer, she transported the bottle in her purse to her residence where she sold the cough syrup for $250 to another individual.

(3) On September 6, 2016, the Respondent ordered two bottles of Promethazine with Codeine, 16 oz., for the price of $65.40 from the supplier which was charged to Pharmacy A. The next day, the Respondent received the bottles at Pharmacy and threw the receipt away. After recording zero inventory received in the computer, she transported the bottles in her purse to her residence where she sold the cough syrup for $500 to another individual.

(4) On September 9, 2016, the Respondent ordered two bottles of Promethazine with Codeine, 16 oz., for the price of $65.40 and one bottle of Promethazine VC with Codeine, 16 oz., for the

price of $213.19 from the supplier which were charged to Pharmacy A. Three days later, the Respondent received the bottles at Pharmacy A and threw the receipt away. After recording zero inventory received in the computer, she transported the bottles in her purse to her residence where she sold the cough syrup for $500 to another individual.

(5) On September 15, 2016, the Respondent ordered two bottles of Promethazine with Codeine, 16 oz., for the price of $65.40 from the supplier which were charged to Pharmacy A. Three days later, the Respondent received the bottles at Pharmacy A and threw the receipt away. After recording zero inventory received in the computer, she transported the bottles in her purse to her residence where she sold the cough syrup for $500 to another individual.

(6) On September 16, 2016, the Respondent ordered two bottles of Promethazine with Codeine, 16 oz., for the price of $65.40 from the supplier which were charged to Pharmacy A. The next day, the Respondent received the bottles at Pharmacy A and threw the receipt away. After recording zero inventory received in the computer, she transported the bottles in her purse to her residence where she sold the cough syrup for $500 to another individual.

(7) On September 27, 2016, the Respondent ordered two bottles of Promethazine with Codeine, 16 oz., for the price of $65.40 from the supplier which was charged to Pharmacy A. The next day, the Respondent received the bottles at Pharmacy A and threw the receipt away. After recording zero inventory received in the computer, she transported the bottles in her purse to her residence where she sold the cough syrup for $500 to another individual.

(8) On September 29, 2016, the Respondent ordered two bottles of Promethazine with Codeine, 16 oz., for the price of $65.40 from the supplier which was charged to Pharmacy A. The next day, the Respondent received the bottles at Pharmacy A and threw the receipt away. After recording zero inventory received in the computer, she transported the bottles in her purse to her residence where she sold the cough syrup for $500 to another individual.

(9) On October 13, 2016, the Respondent ordered three bottles of Promethazine with Codeine, 16 oz., for the price of $98.10 from the supplier which were charged to Pharmacy A. The next day, the Respondent received the bottles at Pharmacy A and threw the receipt away. After recording zero inventory received in the computer, she transported the bottles in her purse to her

residence where she sold the cough syrup for $700 another individual.

(10) On October 16, 2016, the Respondent ordered one bottle of Promethazine with Codeine, 16 oz., for the price of $32.70 from the supplier which was charged to Pharmacy A. The next day, the Respondent received the bottle at Pharmacy A and threw the receipt away. After recording zero inventory received in the computer, she transported the bottle in her purse to her residence where she sold the cough syrup for $250 to another individual.

(11) On October 18, 2016, the Respondent ordered three bottles of Promethazine with Codeine, 16 oz., for the price of $98.10 from the supplier which were charged to Pharmacy A. The next day, the Respondent received the bottles at Pharmacy A and threw the receipt away. After recording zero inventory received in the computer, she transported the bottles in her purse to her residence where she sold the cough syrup for $700 to another individual.

(12) On October 20, 2016, the Respondent ordered three bottles of Promethazine with Codeine, 16 oz. for the price of $98.10 from the supplier which were charged to Pharmacy A. The next day, the Respondent received the bottles and threw the receipt away. After recording zero inventory received in the computer,

she transported the bottles in her purse to her residence where she sold the cough syrup for $600 to another individual.

F. Based on her training and experience, Detective A knew that Promethazine with Codeine and Promethazine VC may be sold by the shot for $20 and was often mixed with soda. By itself, it sold on the street for $300 a bottle and is one of the most "abused drugs that is sold on the streets."

G. Detective A further determined that the total amount of money that Pharmacy A lost due to Respondent's theft was $850.20 and that the street value of the CDS was approximately $7500.

H. The Respondent wrote a statement admitting to the thefts and explained that she did so in order to support a family member.

I. As a result of the thefts, the Respondent was terminated from employment from Pharmacy A on November 2, 2016.

5. The Respondent currently faces criminal charges in the District Court of Maryland for Prince George's County related to the above thefts.

CONCLUSIONS OF LAW

Based on the foregoing Investigative Findings, the Board concludes as a matter of law that the public health, safety or welfare imperatively requires emergency action, pursuant to Md. Code Ann., St. Gov't. II, §10-226(c) (2) (2014Repl.Vol.).

ORDER

Based on the foregoing Investigative Findings and Conclusions of Law, it is therefore this 16th day of February, 2017, by a majority of the Board considering this matter:

ORDERED that the Respondent's registration to practice as a pharmacy technician in the State of Maryland, Registration No.T18111, be and hereby is **SUMMARILY SUSPENDED**; and it is 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; and it is further

ORDERED that, upon service of this Order for Summary Suspension, the Respondent shall immediately surrender to the Board all indicia of registration to practice as a pharmacy technician issued by the Board that are in her possession, including but not limited to her original registration, renewal registrations and wallet size registration; and it is further

ORDERED that this document constitutes an Order of the Board and is therefore a public document for purposes of public disclosure, as required by Md. Code Ann. Gen. Prov. §§ 4-101 *et seq.* (2014 Vol.).

Deena Speights-Napata

Deena Speights-Napata, 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 for a hearing by the Respondent.