

IN THE MATTER OF * **BEFORE THE**
STEFANY OVERBECK, R.PH. * **MARYLAND BOARD**
RESPONDENT * **OF PHARMACY**
LICENSE NO.: 13193 * **Case No.: 19-199**

* * * * *

ORDER FOR SUMMARY SUSPENSION

Pursuant to Md. Code Ann., State Gov't §§ 10-226(c)(2) (2014 Repl. Vol. and 2018 Supp.), the Maryland Board of Pharmacy (the "Board") hereby summarily suspends the license of Stefany Overbeck, R. Ph., License Number 13193 (the "Respondent"), to practice pharmacy, under the Maryland Pharmacy Act (the "Act"), Md. Code Ann., Health Occ. §§ 12-101 *et seq.* (2014 Repl. Vol. and 2018 Supp.). This Order is based on the following investigative findings, which the Board has reason to believe are true:

INVESTIGATIVE FINDINGS¹

1. At all times relevant hereto, the Respondent was licensed to practice pharmacy in the State of Maryland. The Respondent was originally licensed to practice pharmacy in Maryland on or about July 28, 1993. The Respondent's license expires on August 31, 2019.

2. At all times relevant hereto, the Respondent was employed as a pharmacist at a national chain pharmacy (the "Pharmacy").²

¹ The statements regarding the Respondent's conduct are only intended to provide the Respondent with notice of the basis for the Board's action. 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 this matter.

² For confidentiality and privacy purposes, the names of individuals and facilities involved in this case are not disclosed in this document. Upon written request, the Administrative Prosecutor will provide the information to the Respondent.

3. On or about August 2, 2018, the Board received notification from the Pharmacy that they had identified a “potential loss of Zaleplon^[3] 5mg and 10mg” and would “be conducting an investigation to confirm the loss and determine the reason for the loss.”

4. On or about November 20, 2018, the Board received a follow-up notification from the Pharmacy stating they had “confirmed the loss was a result of employee pilferage” by the Respondent. The Pharmacy further reported that in addition to zaleplon, the Pharmacy had also confirmed that the Respondent “pilfered Zolpidem^[4] and Alprazolam.^[5]”

5. By correspondence dated December 3, 2018, the Board received a DEA (Drug Enforcement Agency) - 106 – Report of Theft or Loss of Controlled Substances (the “Report”) from the Pharmacy related to the loss of zaleplon, zolpidem, and alprazolam.

6. The Report listed the controlled dangerous substances (“CDS”) that were lost/stolen as:

Trade Name	NDC Number	Dosage Str.	Quantity Lost/Stolen
Zolpidem Tartrate 10 mg Tablet	00093007401	10 mg	25
Zaleplon 10 mg Capsule	00093526901	10 mg	600
Alprazolam 0.25 mg Tablet	00228202750	0.25 mg	3
Alprazolam 1 mg Tablet	00228203150	1 mg	334

³ Zaleplon is a sedative, also called a hypnotic. Zaleplon is a Schedule IV Controlled Dangerous Substance (“CDS”).

⁴ Zolpidem is a sedative, also called a hypnotic. Zolpidem is a Schedule IV CDS.

⁵ Alprazolam is a benzodiazepine used to treat anxiety and panic disorder. It is a Schedule IV CDS.

Alprazolam 2 mg Tablet	00228203910	2 mg	220
Zolpidem Tartrate 10 mg Tablet	00378531005	10 mg	500
Zolpidem Tartrate 10 mg Tablet	13668000805	10 mg	90
Zolpidem Tartrate 10 mg Tablet	16714062202	10 mg	3
Zaleplon 5 mg Capsule	29300013101	5 mg	100
Zaleplon 10 mg Capsule	29300013201	10 mg	400
Alprazolam 0.5 mg Tablet	67253090150	0.5 mg	38
Alprazolam 1 mg Tablet	67253090250	1 mg	73

7. The Report listed the value of the lost CDS as \$519.00.

Pharmacy Internal Investigation

8. In July of 2018, the Pharmacy’s corporate office alerted the Pharmacy that there had been a potential diversion of zaleplon. The regional pharmacy manager (“Regional Pharmacy Manager”) discovered that the zaleplon ordered on July 2, 2018, was not on the shelf and there had not been any prescriptions filled for the medication.

The cameras in the Pharmacy’s lab revealed on May 25, 2018, the Respondent:

remove[d] a drug consistent in the bay w[h]ere the drug is stored. [The Respondent] is then seen placing the drug in the out of date bin and then approximately 45 minutes later removing a drug from the out of date bin and putting them in the pill counter. [The Respondent] is then seen placing the pills in a [sic] empty yellow pill bottle with no label and going out of view of the camera.

9. The Pharmacy installed several covert cameras in the Pharmacy, and then, on November 18, 2018, the Pharmacy’s special police detective (“Special Police Detective”) conducted surveillance of the Pharmacy which revealed at approximately 2:29 p.m., the Respondent removed a drug from the lab and placed the drug in the out of

date bin. Later, at 4:49 p.m., the Respondent took a pill bottle from the out of date bin and concealed it in her smock pocket. The Respondent was later observed placing something in her purse and throwing an empty pill bottle away in the trashcan.

10. On November 18, 2018, at approximately 6:05 p.m., the Special Police Detective interviewed the Respondent and collected a written statement from the Respondent.

11. As part of her written statement the Respondent provided, in part:

I Stefany Carol Overbeck in the course of working at [the Pharmacy] have been taking medication out of the pharmacy over the course of 2 ½ years. Medications include zolpidem, zalpelon [*sic*] and alprazolam and using for my own purpose self medicating for nerves and sleep. Today 11-18-18 I put about 30 tablets of zolpidem in the return bin then in my jacket then in my purse then gym bag. I have on a few instances had medication for my dog and added zolpidem and zalpelon [*sic*] and alprazolam in filling and used them for myself. This has been a pattern I have tried to hide by changing quantities in computer [*sic*] and in ordering system [*sic*]. I was able to order zalpelon [*sic*] from warehouse [*sic*] recently but decided I wanted to stop doing this as I know it is a criminal act.

12. On November 18, 2018, the Pharmacy terminated the Respondent's employment.

Criminal Charges

13. On or about November 19, 2018, the Respondent was charged in the District Court for Baltimore County, Maryland with five (5) criminal misdemeanor counts related to the theft from the Pharmacy. The Respondent was charged with the following: one (1) count of Theft Scheme: \$100 to <\$1,500; one (1) count of Theft Less Than \$100.00; and three (3) counts of CDS: Possession-Not Marijuana.

14. On or about February 13, 2019, the Respondent was found guilty of one (1) count of CDS: Possession-Not Marijuana. A nolle prosequi was entered for the remaining counts. The Respondent was sentenced to thirty (30) days of incarceration.

15. Based on the above information, the Board has reason to believe that the Respondent diverted multiple CDS and prescription-only medications over an extended time period.

CONCLUSIONS OF LAW

Based on the foregoing investigative findings, the Board concludes as a matter of law that the public health, safety, and welfare imperatively require emergency action in this case, pursuant to Md. Code Ann., State Gov't § 10-226(c)(2).

ORDER

Based on the foregoing Investigative Findings and Conclusions of Law, it is this 12th day of March 2019, by a majority of the quorum of the Board, hereby

ORDERED that pursuant to the authority vested in the Board by Md. Code Ann., State Gov't § 10-226(c)(2), the Respondent's license to practice pharmacy in the State of Maryland under license number 13193 is hereby **SUMMARILY SUSPENDED**; and it is further

ORDERED that the Respondent is prohibited from practicing pharmacy in the State of Maryland; and it is further


ORDERED that the Respondent shall immediately return all licenses to the Board; and it is further

ORDERED that the Respondent has the opportunity to appear before the Board for a post-deprivation show cause hearing. A request for a post-deprivation show cause hearing must be in writing and be made **WITHIN THIRTY (30) DAYS**; and it is further

ORDERED that if the Respondent fails to request a post-deprivation show cause hearing in writing in a timely manner, or if the Respondent requests a post-deprivation show cause hearing but fails to appear when scheduled, the Respondent's license will remain **SUSPENDED**; and it is further

ORDERED that this **ORDER FOR SUMMARY SUSPENSION** is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2014 and 2018 Supp.).

3-12-19
Date


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