

IN THE MATTER OF

* BEFORE THE MARYLAND

MICHAEL D. ROSS,
Pharmacy Technician

* STATE BOARD OF

* PHARMACY

Respondent

* Case Number 20-418

Registration Number: T20794

*

* * * * *

FINAL ORDER TO REVOKE
PHARMACY TECHNICIAN REGISTRATION

The Maryland State Board of Pharmacy (the "Board") notified Michael Denise Ross (the "Respondent"), Registration Number T20794, of the Board's intent to revoke her registration to practice as a pharmacy technician in the State of Maryland under the Maryland Pharmacy Act (the "Act"), Md. Code Ann., Health Occ. §§ 12-101 *et seq.* (2021 Repl. Vol.).

The Notice also informed the Respondent that, unless she requested a hearing in writing within thirty (30) days of receipt of said Notice, the Board would sign the Final Order, which was enclosed. More than thirty (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:

§ 12-6B-09. Ground 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 . . . pharmacy technician registrant:

....

(25) Violates any regulation adopted by the Board;

....

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

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

(25) Violates any rule or regulation adopted by the Board[.]

The pertinent provisions of the regulations adopted by the Board are as follows:

COMAR 10.34.10.01. Patient Safety and Welfare.

....

B. A pharmacist may not:

....

(3) Engage in unprofessional conduct.

FINDINGS OF FACT

The Board finds the following facts:

1. The Respondent was originally registered to practice as a pharmacy technician in Maryland on March 26, 2018, under registration number T20794. The Respondent's registration is scheduled to expire on November 30, 2021.

2. At all times relevant hereto, the Respondent was employed as a pharmacy technician at a pharmacy (the “Pharmacy”)¹ located in Prince George’s County, Maryland.

3. On or about March 28, 2020, the Board received notice from the owner of the Pharmacy that the Respondent “. . . was caught on camera stealing bottles of prom[e]thazine with codeine and other medicines from the pharmacy” and that a police complaint had been filed.

Pharmacy Investigation

4. On June 26, 2020 the pharmacist on duty (“Pharmacist”) received two bottles of promethazine with codeine as part of an order. The Respondent was working performing routine pharmacy technician duties during the Pharmacist’s shift. When the Pharmacist returned to his workstation after lunch, he was unable to locate the bottles. The Pharmacist asked the Respondent if she had seen the bottles and she denied that she had seen the bottles. The Pharmacy therefore reviewed surveillance videos from that day and observed that the Respondent had stolen the bottles.

5. On March 27, 2020, the Pharmacy confronted the Respondent regarding the missing bottles of promethazine with codeine and the Respondent admitted that she took the bottles. The Respondent wrote and signed a statement resigning from the Pharmacy and admitting that she took two bottles of promethazine with codeine and food.

¹ In order to maintain confidentiality, names of individuals and facilities involved in this matter will not be used in this document but will be provided to the Respondent on request.

6. The Pharmacy suspected that the Respondent had diverted additional medications and therefore reviewed surveillance video and conducted an internal audit of its medication stock that revealed a loss of additional medications including controlled dangerous substances (“CDS”) and store products. Pharmacy video surveillance from March 23 and March 26 shows the Respondent removing multiple medications and products from the Pharmacy and arranging with two individuals to pick up and remove the stolen items.

7. On May 4, 2020, the Pharmacy provided the Board with copies of the video surveillance showing the Respondent removing the prescription medications and products from the store. 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 CDS.

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

Trade Name	Name of Controlled Substance in Preparation	Dosage Strength	Quantity Lost or Stolen
Phenergan and Codeine	Promethazine & Codeine Solution	625 & 10 mg	946 ml
MS Contin	Morphine Sulfate ER	15 mg	62
Roxicodone	Oxycodone	10 mg	108
Percocet	Oxycodone & APAP	5/325 mg	170
Percocet	Oxycodone & APAP	7.5/325 mg	111
Percocet	Oxycodone & APAP	10/325 mg	657
Tylenol #4	Acetaminophen & Codeine	300/60 mg	350

Advair Diskus	Fluticasone & salmeterol	250/50 mcg	1
Ventolin HFA	Albuterol	90 mcg	4
Viagra	Sildenafil	100 mg	7

9. The Report listed the value of the lost CDS as \$35 and “still checking”.

10. The Board also received a document from the Pharmacy titled “List of Items Stolen by Michae” that contained the following CDS and items:

	List of Items Stolen by Michae	QTY.
1.	Promethazine with Codeine Suspension 473 ml	2
2.	Morphine Sulfate ER Tablets 15 mg	62
3.	Oxycodone Tablets	108
4.	Oxycodone & Acetaminophen tablets 5/325 mg	170
5.	Oxycodone & Acetaminophen tablets 7.5/325 mg	111
6.	Oxycodone & Acetaminophen tablets 10/325 mg	657
7.	Acetaminophen & Codeine Tablets 300/60 mg	350
8.	Fluticasone/Salmeterol 250/50 Inhaler (Advair)	1
9.	Albuterol Inhaler 90 mcg (Ventolin)	4
10.	Sildenafil tablets 100 mg (Viagra)	7
11.	Amoxicillin Suspension 400mg/5ml	4
12.	Alcohol Swabs 100's	6
13.	Box Distilled Water 473ml	4
14.	Box of Liquid Ovals 2 oz 48's	1
15.	Lots of snacks from the front store	
16.	Lots of feminine products from the front store	

Criminal Investigation

11. On March 27, 2020 a police officer from the Prince George's County Police Department responded to the Pharmacy and conducted an investigation. The Pharmacy declined to press charges against the Respondent at the time.

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

CONCLUSIONS OF LAW

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

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 20th day of April 2022, by a majority of the quorum of the Board, hereby

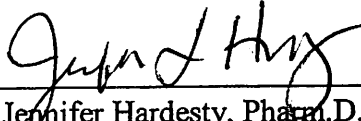
ORDERED that the Respondent **MICHAEL DENISE ROSS'** registration to practice as a pharmacy technician in the State of Maryland is hereby **REVOKED**; and it is further

ORDERED that the Respondent shall return to the Board all Maryland pharmacy technician registrations within ten (10) days of the date of this Order; and it is further

ORDERED that the effective date of this Order is the date that it is signed by the Board; and it is further

ORDERED that this document constitutes a formal disciplinary action of the Board and this Order is final and a public document pursuant to Md. Code Ann., General Provisions §§ 4-101 *et seq.* & § 4-333 (2019 Repl. Vol. and 2021 Supp.).

4/12/22
Date



Jennifer Hardesty, Pharm.D.
President
Maryland Board of Pharmacy

NOTICE OF RIGHT TO APPEAL

In accordance with § 12-316 of the Act and Md. Code Ann., State Government, §§ 10-201 *et seq.* (2021 Repl. Vol.), 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 aforesaid authority.