

IN THE MATTER OF * **BEFORE THE**
TESHEAH WILSON * **MARYLAND STATE**
PHARMACY TECHNICIAN * **BOARD OF PHARMACY**
Registration No. T20588 * **Case No.: 20-342**

* * * * *

FINAL DECISION AND ORDER

Procedural Background

On or about February 19, 2020, the Board received a complaint from the Baltimore County Police Department indicating that the Respondent had mailed a package which contained buprenorphine, a Schedule III controlled dangerous substance, to an inmate at the Baltimore County Detention Center. On February 16, 2022, the Board issued a Notice of Intent to Revoke Pharmacy Technician’s Registration to the Respondent under the Maryland Pharmacy Act (the “Act”), Md. Code Ann., Health Occ. § 12-101 *et seq.* (2021 Repl. Vol.), notifying her of its intent to revoke her registration to practice as a pharmacy technician in Maryland.

The Board originally scheduled an evidentiary hearing in this matter on July 20, 2022, which was postponed at the request of the Respondent so that she could obtain representation. The Board rescheduled the evidentiary hearing for October 19, 2022, and mailed the notice of hearing to the new address of record provided by the Respondent.¹ On October 19, 2022, the Board held an evidentiary hearing before a quorum of the Board in accordance with the Maryland Administrative Procedure Act, Md. Code Ann., State Gov’t § 10-201 *et seq.*, and the Board’s regulations, COMAR 10.34.01. The Respondent did not appear for the hearing, but the Board held

¹ The Board’s notice of the October 19, 2022, hearing was mailed via certified and regular mail. The Board also attempted to email the notice to the Respondent’s email address she had been using to communicate with the Board, but her inbox was too full to accept the message.

the hearing in the Respondent's absence as provided for in the Act, Md. Code Ann., Health Occ. § 12-315(g). Following the hearing, the same quorum of the Board convened to deliberate and voted unanimously to revoke the Respondent's registration for the reasons set forth in this Final Decision and Order.

SUMMARY OF THE EVIDENCE

A. Documents

The following documents were admitted into evidence:

- State's Exhibit No. 1 - License Information for Tesheah Wilson- T20588
 - A. License Verification Board website, 06/27/2022
 - B. MyLicense Office, 08/20/2021

- State's Exhibit No. 2 - Investigative Information Report regarding Tesheah Faye Wilson, 08/20/2021

- State's Exhibit No. 3 - Complaint – Email from Detective Mike Simone, Baltimore County Police Department, 02/19/2020, with attachments State of Maryland v. Tesheah Faye Wilson, Case No. D-08-CR-20-013293
 - A. Criminal Summons on Charging Document
 - B. Statement of Charges
 - C. Application for Settlement of Charges

- State's Exhibit No. 4 - Baltimore County Police Reports for January 24, 2019 Incident No. 190240736
 - A. Email from Cpl. Christopher Bishop, 06/08/2020
 - B. Incident Report – 01/24/2019
 - C. Incident Supplemental Report – 01/24/2019
 - D. Incident Supplemental Report – 01/24/2019
 - E. Request for CDS Analysis – Date of Seizure 01/24/2019
 - F. Forensic Services Section Laboratory Report – 01/17/2020

- State's Exhibit No. 5 - Emails from Detective R. Patrick Gibbs – 07/28/2021, with attachments:
Photographs of Envelope and Contents of Envelope

- State's Exhibit No. 6 - Maryland Judiciary Case Search Results for State of Maryland v. Tesheah Faye Wilson, Case No. D-08-CR-20-013293- Printed 11/20/2020

- State's Exhibit No. 7 - Additional Court Records for *State of Maryland v. Tesheah Faye Wilson, Case No. D-08-CR-20-013293*
 - A. Disposition for all Charges – Nolle Prosequi
 - B. Case Summary

- State's Exhibit No. 8 - Baltimore County Police Department Police Reports
 - A. Incident Report – Incident No. 200301426, 01/30/2020
 - B. Incident Supplemental Report – Incident No. 200301426, 01/30/2020
 - C. Photographs of Items found in Car
 - D. Request for CDS Analysis
 - E. Forensic Services Section Laboratory Report – 02/19/2020

- State's Exhibit No. 9 - Email from Detective R. Patrick Gibbs to Board staff, 07/28/2021, re: Tesheah Wilson

- State's Exhibit No. 10 - Employment Records received from M. Kraft HR

- State's Exhibit No. 11 - Employment Records from Pharmacy B

- State's Exhibit No. 12 - Notice of Charges Under the Maryland Pharmacy Act, *In the Matter of Tesheah Wilson, Respondent*, Before the Maryland Board of Pharmacy, Case Number: 20-342

B. Witnesses

State: Compliance Investigative Supervisor, Maryland Board of Pharmacy

FINDINGS OF FACT

Based upon the documentary and testimonial evidence admitted at the evidentiary hearing, the Board finds the following:

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 as a Pharmacy Technician in Maryland on or about February 1, 2018. The Respondent's registration is non-renewed, having expired on November 30, 2019. (State's Ex. 1A; Tr. 15).

2. On or about February 19, 2020, the Board received a complaint (“Complaint”) from the Baltimore County Police Department indicating that the Respondent was caught smuggling Suboxone² into the Baltimore County Detention Center (“BCDC”) and had been charged criminally. (State’s Ex. 2, State’s Ex. 3A, Tr. 17-18).

3. On or about January 24, 2020, in the District Court of Maryland for Baltimore County, Case Number D-08-CR-20-013293, the Respondent was charged with Count 1, Attempted – CDS Distribution-Narcotics; Count 2, CDS- Delivery- Confinement; Count 3, CDS: Possession- Not Marijuana; and Count 4, Conspiracy- CDS- Possession with Intent to Deliver- Confinement. (State’s Ex. 3A, Tr. 19).

4. The charges allege that on January 24, 2019, a suspicious manilla envelope (“Mail”) was delivered to the Baltimore County Detention Center addressed to a male inmate (the “Inmate”). The BCDC security officer (“Officer A”) deemed the Mail “suspicious” because it had an attorney’s (the “Attorney”) business card glued to the envelope as a return address.³ Officer A contacted the police. The Inmate told a Baltimore County Police sergeant (“SGT”) that he was expecting a package from his attorney. The SGT then had the inmate open the Mail in his presence and found approximately 74 pages of white copy paper. Upon closer inspection, the SGT found orange-colored rectangles that appeared to be concealed between two pieces of paper that had been glued together at the edges. The orange strips were marked N8. (State’s Ex. 3A, Tr. 21-23).

5. According to the chemist’s report, the 6 orange strips were found to be buprenorphine-naloxone, a Schedule III controlled substance. (State’s Ex. 4E, State’s Ex. 4F, Tr. 23).

² Suboxone (generic name buprenorphine-naloxone) is an opioid agonist/antagonist used to treat addiction to opioid drugs. Suboxone is a Schedule III controlled dangerous substance.

³ Officer A attempted to contact the Attorney but received no response. The Attorney was not listed as the Inmate’s attorney of record. (State’s Ex. 3A).

6. The SGT and a Baltimore County Police detective (the “Detective”) initiated an investigation. The Detective retrieved the Inmate’s telephone account records and reviewed CCTV camera videos that verified that the Inmate had made multiple phone calls to the Respondent’s telephone number between December 28, 2018, and January 24, 2019. The audio recordings of the phone calls made by the Inmate to the Respondent’s telephone number include the following: (State’s Ex. 3A, State’s Ex. 4D, Tr. 24-25).⁴

- a. On January 8, 2019, at approximately 9:56 p.m., the Inmate told the Respondent that he needed money and was trying to get a “strip.” The Inmate talked about selling his food to get a piece of “bupe” so he could get high. (State’s Ex. 4D, Tr. 25).⁵
- b. On January 13, 2019, at approximately 10:06 a.m., the Respondent told the Inmate that she was “gonna see if the lawyer is gonna send him up some mail this week.” (State’s Ex. 4D, Tr. 25).
- c. On January 13, 2019, at approximately 12:29 p.m., the Inmate had a three-way call with the Respondent and another female (“Female A”). During the call, Female A yelled to another person “[Inmate] and Tesheah are on the line.” (State’s Ex. 4D, Tr. 25-26).
- d. On January 14, 2019, at approximately 11:08 a.m., the Inmate told the Respondent that she “could be putting the shit together right now” and then “you can mail it off.” The Inmate told Respondent to find “the Gorilla glue.”⁶

⁴ The phone calls listed under paragraph 6 do not include all the dates and times of phone calls recorded between the Respondent and the Inmate.

⁵ Based on the Detective’s knowledge and experience, the terms “strip” and “bupe” referred to Suboxone sublingual strips. (State’s Ex. 3A, Tr. 25).

⁶ The Attorney’s business card had been glued to the outside of the suspicious Mail and the buprenorphine strips were found between sheets of paper that had been glued together. (State’s Ex. 3A, Tr. 26).

The Respondent said she would try, but that she didn't think it would work. (State's Ex. 4D, Tr. 26).

- e. On January 14, 2019, at approximately 11:50 a.m., the Respondent told the Inmate that she needed an envelope. The Inmate told her to go get one from a law firm. When Respondent told the Inmate that "they're raggedy and don't look good," the Inmate replied that it was alright and "just mail 'em." (State's Ex. 4D, Tr. 26-27).
- f. On January 14, 2019, at approximately 5:18 p.m., the Respondent asked the Inmate what his ID number was.⁷ The Inmate asked the Respondent how many and the Respondent replied that she thought it was "8 or 10."⁸ The Inmate replied that he thought it was "15." The Respondent then stated that she didn't have any "15." The Respondent and the Inmate discussed the mail and that "it" would take three days to get there. The Respondent told the Inmate that she would send "it" tomorrow. (State's Ex. 4D, Tr. 27-28).
- g. On January 14, 2019, at 5:49 p.m., the Respondent told the Inmate that she was not sure how the paperwork was going to look because the charging papers were so small. The Inmate told the Respondent that "they" don't know that and "they" are not supposed to "read that shit." (State's Ex. 4D, Tr. 29).
- h. On January 15, 2019, at 12:02 p.m., the Inmate discussed moving to a different unit in the prison. The Respondent asked the Inmate whether she should send "it" or not. The Inmate told her to send it. (State's Ex. 4D, Tr. 29).

⁷ The Inmate's ID number was written on the front of the Mail. (State's Ex. 5A, Tr. 28).

⁸ The dosage of the individual buprenorphine sublingual strips found in the suspicious mail was 8 mg. (State's Ex. 3A).

- i. On January 16, 2019, at 5:59 p.m., the Inmate told the Respondent he “needs some drugs” because other inmates are “selling them b#\$@& for 50 for a half and 100 for a whole.” (State’s Ex. 4D, Tr. 29-30).
- j. On January 16, 2019, at approximately 6:29 p.m., the Inmate asked the Respondent to go to the mailbox and “drop that in the mailbox” when she got home. The Respondent told the Inmate that she would. On January 16, 2019, at 10:23 p.m. the Inmate told the Respondent to “make sure she mails that shit out tomorrow.” (State’s Ex. 4D, Tr. 30).
- k. On January 17, 2019, at approximately 10:04 a.m., the Inmate asked Respondent if she went to the mailbox, and she replied that she did. (State’s Ex. 4D, Tr. 30-31).
- l. On January 23, 2019, at approximately 5:56 p.m.,⁹ the Inmate asked the Respondent why the mail wasn’t there and asked her when she “sent that shit out.” The Respondent replied “Thursday.”¹⁰ The Respondent and the Inmate discussed the number of days it takes for the mail to be delivered in the jail. (State’s Ex. 4D, Tr. 31).
- m. On January 24, 2019¹¹, at approximately 10:00 a.m., the Inmate told the Respondent that the mail people called him and that “they got that shit, they took that shit.” The Inmate talked about how the SGT looked through the papers

⁹ The day before, on January 22, 2019, at approximately 7:30 p.m., the Respondent visited the Inmate as BCDC. (State’s Ex. 3A).

¹⁰ The Thursday prior to their conversation was January 17, 2019, the same as the postmark date on the seized suspicious Mail. (State’s Ex. 3A, Tr.31).

¹¹ January 24, 2019 is the day that the SGT had the Inmate open the Mail in his presence and found the 6 strips of buprenorphine hidden among the papers in the Mail. (State’s Ex. 3A).

and asked him about Suboxone. The Inmate said “that shit was sloppy.” (State’s Ex. 4D).

7. On or about January 30, 2020, the Baltimore County Police arrested the Inmate who was at that time scheduled to meet with his BCDC case manager while out on pre-trial release. At the time of his arrest, the Inmate was driving Respondent’s car and was found to have a sublingual strip of buprenorphine in his pants pocket. Two gel caps of heroin were found in the glove box of Respondent’s car at the time of the Inmate’s arrest. The Detective called the Respondent regarding the pickup of her car.¹² During the phone conversation, the Respondent told the Detective that she would provide him with the Inmate’s prescription for the Suboxone.¹³ (State’s Ex. 4C).
8. The Detective obtained the audio recordings of phone calls that the Inmate had with the Respondent while he was in the booking area of BCDC subsequent to his arrest. During the conversation, the Inmate asked Respondent where he got his prescription from; the Respondent told him Baltimore City Health Department and Pharmacy A.¹⁴ (State’s Ex. 8B).
9. Respondent was employed with a staffing agency (the “Agency”) and was placed as a fill technician from February 1, 2018, to July 8, 2018, and as a Certified Pharmacy Technician from July 9, 2018, to February 27, 2019, at a pharmacy (“Pharmacy B”).¹⁵ (State’s Ex. 10, Tr. 39).

¹² The Inmate gave the Detective the Respondent’s phone number. (State’s Ex 4C).

¹³ It is not known whether the Respondent ever provided the Detective a prescription for Suboxone for the Inmate. (State’s Ex. 12).

¹⁴ It is unknown whether any criminal charges were filed against the Respondent in relation to the Inmate’s arrest on January 30, 2020, and the two gels caps of heroin found in the Respondent’s car. (State’s Ex. 12).

¹⁵ According to records received from the Agency, the Respondent failed to report to work for multiple days with no communication in March 2019 and failed to respond to contact from the Agency on March 1 and March 4, 2019. Pharmacy B terminated the Respondent’s assignment, effective February 27, 2019, for failure to report to work. (State’s Ex. 10-11, Tr. 40).

10. At Pharmacy B, the Respondent was assigned to a medication fill counter where she filled medication (solid oral doses) into blister cards and affixed the prescription label for the pharmacist to review. The Respondent was never assigned or handled controlled substances while assigned to Pharmacy B. (State's Ex. 11, Tr. 39-42).

OPINION

By the very nature of their employment in a pharmacy, pharmacy technicians have immediate access to highly addictive and dangerous drugs, some with high street values. A pharmacy technician plays a key role in ensuring that patients receive the correct medication and that prescription drug inventory is stored securely and appropriately. By distributing prescription drugs outside of these parameters, without the authorization of a valid prescription ensuring medical necessity, and without the supervision of a pharmacist, a pharmacy technician undermines the health and safety of the affected patients. The Board believes that this alone is more than enough justification to revoke the Respondent's registration in this case.

Perhaps even more importantly, we rely on pharmacy technicians to ensure that medications are distributed through lawful channels to those with a legitimate clinical need. By attempting to introduce dangerous and addictive contraband into a detention facility, knowing that it will be distributed for profit, the Respondent undermined public health and safety for financial gain. The Board believes that such actions are unconscionable, particularly for a healthcare practitioner, and clearly disqualifies the Respondent from continuing to work as a pharmacy technician.

CONCLUSIONS OF LAW

Based upon the foregoing summary of evidence, findings of fact, and opinion, the Board concludes that the Respondent is subject to discipline pursuant to the Act, Md. Code Ann., Health Occ. § 12-6B-09(1), (23), (25), and (27); Health Occ. 12-313(b)(15) and (25); COMAR 10.34.10.01(A)(1) and (B)(3); and COMAR 10.19.03.09(A)(1).


ORDER

Based on the foregoing Findings of Fact, Opinion, and Conclusions of Law, by a unanimous decision of a quorum of the Board, it is hereby:

ORDERED that the Respondent's registration as a pharmacy technician, Registration No. T20588, shall be and is **REVOKED**; and be it further,

ORDERED that this is a final order of the Maryland Board of Pharmacy and as such is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., General Provision § 4-333(b).

7-3-23
Date



Deena Speights-Napata, M.A.
Executive Director
for
Neil Leikach, R.Ph., M.Sc., President
Maryland State Board of Pharmacy

NOTICE OF RIGHT TO APPEAL

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 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 § 10-21 *et seq.*, 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 State 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