

IN THE MATTER OF * **BEFORE THE**
MARY JO FLOYD * **MARYLAND STATE BOARD**
Respondent * **OF PHARMACY**
Registration No. T24883 * **Case No. 23-306**

* * * * *

ORDER FOR SUMMARY SUSPENSION

The Maryland Board of Pharmacy (“the Board”) hereby **SUMMARILY SUSPENDS** the registration of **Mary Jo Floyd** (“the Respondent”), Registration Number **T24883**, to practice as a pharmacy technician in the State of Maryland. The Board takes such action pursuant to its authority under Md. Code Ann., State Gov’t § 10-226(c) (2021 Repl. Vol. & 2023 Supp.) and Md. Code Regs. (“COMAR”) 10.34.01.12, having concluded that the public health, safety, or welfare imperatively requires emergency action.

INVESTIGATIVE FINDINGS¹

1. At all relevant times, the Respondent was registered to practice as a pharmacy technician in the State of Maryland. The Respondent was originally registered to practice in Maryland on or about March 25, 2021. The Respondent’s registration is currently active through August 31, 2024.

2. At all relevant times, the Respondent was employed as a pharmacy technician at a national pharmacy chain (“the Pharmacy”)² location in Severn, Maryland.

¹ The statements regarding the Respondent’s conduct are only intended to provide the Respondent with reasonable 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.

3. In a fax dated February 1, 2023, the Pharmacy notified the Board that it terminated the Respondent's employment after she admitted to theft of controlled substances ("CDS").

4. The Pharmacy subsequently provided the Board with copies of the Respondent's written admission dated January 31, 2023, the Anne Arundel County Police Department Incident Report dated January 31, 2023 ("Police Report"), and the DEA (Drug Enforcement Agency) Form 106 – Report of Theft or Loss of Controlled Substances dated September 29, 2023 ("DEA Form 106").

Anne Arundel County Police Department Investigation

5. On January 31, 2023, Anne Arundel County Police Department officers responded to the Pharmacy and spoke with the Senior Manager of Asset Protection, the Pharmacy Manager, and the Respondent.

6. The Senior Manager of Asset Protection and the Pharmacy Manager informed the officers that video camera footage shows the Respondent diverting medications, and that the Respondent signed a written statement admitting to taking prescription drugs from the Pharmacy.

7. In the Respondent's written statement, she admitted that she "started taking controlled medications starting in November 2022," and specifically admitted to taking "alprazolam, T3, tramadol and a couple [S]uboxone."

² For confidentiality and privacy purposes, the names of individuals and facilities involved in this case are not disclosed in this document. The Respondent may obtain the names of all individuals referenced in this document by contacting the administrative prosecutor.

8. The Respondent verbally admitted to the officers that she “has been taking multiple prescription drugs from [the Pharmacy] from approx. October 2022 to now.” She stated that she “would not take the entire bottle off the shelf but take some out of the bottles and conceal them on her person” and then take the prescription pills out of the store past all points of purchase “to ingest them due to her being in pain from a prior surgery.” The Respondent could not provide an exact date for every time she took the pills, but “she advised she did just about all the time.”

9. The Police Report states that the following medications were stolen from the Pharmacy: alprazolam³ 0.5 mg (118 pills), 1 mg (311 pills), 2 mg (323 pills); Tylenol #3⁴ 30 mg (42 pills), 60 mg (170 pills); carisoprodol⁵ 350 mg (34 pills); clonazepam⁶ 0.5mg (35 pills), 1 mg (90 pills), 2 mg (16 pills); lorazepam⁷ 0.5 mg (31 pills); Suboxone⁸ 8/2 mg film (36 packets); and tramadol⁹ 50 mg (225 pills).

10. At the conclusion of the January 31, 2023 on-site investigation, the officers issued the Respondent two criminal citations for theft, and the Pharmacy terminated her employment.

11. The Respondent was charged in criminal case number D-07-CR-23-060220 in the District Court of Maryland for Anne Arundel County. On August 1, 2023, the

³ Alprazolam (generic Xanax) is a Schedule IV benzodiazepine generally used to treat anxiety and panic disorder.

⁴ Tylenol #3 (acetaminophen/codeine) is a Schedule III opioid/analgesic generally used to treat pain.

⁵ Carisoprodol (generic Soma) is a Schedule IV muscle relaxant.

⁶ Clonazepam (generic Klonopin) is a Schedule IV benzodiazepine generally used to treat panic disorder and seizures.

⁷ Lorazepam (generic Ativan) is a Schedule IV benzodiazepine generally used to treat anxiety.

⁸ Suboxone (buprenorphine/naloxone) is a Schedule III opioid partial agonist/opioid antagonist generally used to treat opioid dependence.

⁹ Tramadol (generic Ultram, ConZip) is a Schedule IV opioid generally used to treat pain.

Respondent pled guilty to one count of Theft Scheme: \$100 To Under \$1,500 (a misdemeanor and a crime involving moral turpitude), received probation before judgment (“PBJ”), and was ordered to complete a one-year term of supervised probation.

DEA Form 106

12. In the DEA Form 106 dated September 29, 2023, the Pharmacy stated that after it identified the diversion of controlled substances and initiated an internal investigation, the Respondent admitted to the theft of controlled substances.

13. In the DEA Form 106, the Pharmacy listed the following lost/stolen CDS:

	CDS	NDC No.	Dosage Str.	Quantity
1	buprenorphine HC/naloxone HCL	12496120403	4-1 mg	8
2	buprenorphine HC/naloxone HCL	47781035703	8-2 mg	60
3	buprenorphine HC/naloxone HCL	12496120803	8-2 mg	36
4	buprenorphine HC/naloxone HCL	12496121203	12-3 mg	11
5	acetaminophen with codeine phosphate	00406048301	300-15 mg	41
6	acetaminophen with codeine phosphate	65162003310	300-30 mg	42
7	acetaminophen with codeine phosphate	00406048501	300-60 mg	70
8	alprazolam	00228202910	0.5 mg	315
9	alprazolam	00228202950	0.5 mg	2
10	alprazolam	00228203110	1 mg	77
11	alprazolam	00228203150	1 mg	249
12	alprazolam	00228203910	2 mg	39
13	alprazolam	51991070705	2 mg	284
14	alprazolam	00228308406	1 mg	20
15	clorazepate dipotassium	70954015810	7.5 mg	30
16	lorazepam	69315090410	0.5 mg	33
17	zolpidem tartrate	68180078001	12.5 mg	2
18	phentermine HCL	11534015701	15 mg	31

19	phentermine HCL	10702002501	37.5 mg	22
20	tramadol HCL	00093005801	50 mg	2
21	tramadol HCL	57664037708	50 mg	222
22	tramadol HCL	57664037713	50 mg	1
23	clonazepam	00093083201	0.5 mg	151
24	clonazepam	00093083205	0.5 mg	6
25	clonazepam	16729013700	1 mg	90
26	carisoprodol	69584011150	350 mg	4
27	pregabalin	62332012390	150 mg	9
28	pregabalin	72205001690	200 mg	18

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 in this case, pursuant to Md. Code Ann., State Gov't § 10-226(c)(2) and COMAR 10.34.01.12.

ORDER

Based on the foregoing Investigative Findings and Conclusions of Law, it is this 14th day of December 2023, 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) (2021 Repl. Vol. & 2023 Supp.), the Respondent's registration to practice as a pharmacy technician in the State of Maryland under registration number T24883 is hereby **SUMMARILY SUSPENDED**; and it is further

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

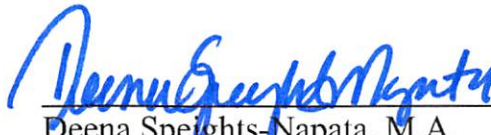
ORDERED that the Respondent shall immediately return all registrations to the Board; and it is further

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 registration 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.* (2019).

12-14-23
Date


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