

**IN THE MATTER OF**  
**EARL MONTAGUE, III**  
**Respondent**

**Registration Number: T17435**

**\* BEFORE THE**  
**\* MARYLAND STATE**  
**\* BOARD OF PHARMACY**  
**\* Case Number: 19-260**  
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**ORDER FOR SUMMARY SUSPENSION OF  
PHARMACY TECHNICIAN REGISTRATION**

The Maryland State Board of Pharmacy (the “Board”) hereby summarily suspends the registration of **Earl Montague, III** (the “Respondent”), **Registration Number T17435**, to practice as a pharmacy technician in the State of Maryland. The Board takes this action pursuant to Md. Code Ann., State Gov’t § 10-226(c)(2) (2014 Repl. Vol. & 2018 Supp.) and Md. Code Regs. (“COMAR”) 10.34.01.12F, having concluded that the public health, safety, or welfare imperatively requires emergency action. The Board bases its action in this matter on the following investigative findings, which the Board has reason to believe are true:

**INVESTIGATIVE FINDINGS<sup>1</sup>**

1. The Respondent was initially registered to practice as a pharmacy technician in the State of Maryland on or about October 30, 2015, under registration number T17435. The Respondent’s registration is active and scheduled to expire on January 31, 2021.

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<sup>1</sup> The statements regarding the Respondent’s conduct are 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 connection with this matter.

2. On or about January 25, 2019, the Respondent submitted to the Board an application to renew his registration. In his renewal application, the Respondent stated that the Maryland Board of Nursing had suspended his nursing assistant certificate, that he had let his registration with the National Registry of Emergency Medical Technicians expire without renewing it, and that he had also been recently terminated from his employer for falsifying information on his employment application.

3. The Board initiated an investigation into the Respondent based on the information that he provided in his 2019 renewal application.

#### **Maryland Board of Nursing Disciplinary Actions**

4. Between September 10, 2012 and August 30, 2016, the Respondent held a certificate to practice as a certified nursing assistant (“CNA”) in the State of Maryland issued by the Maryland Board of Nursing.

5. On or about November 6, 2015, the Maryland Board of Nursing summarily suspended the Respondent’s CNA certificate after concluding that the public health, safety, or welfare required emergency action. The Board of Nursing determined that the Respondent’s employer, Hospital 1,<sup>2</sup> terminated his employment on February 6, 2015, because he diverted narcotics. According to the Board of Nursing’s summary suspension order, Hospital 1’s staff members reported that the Respondent left blood residue in a staff bathroom and was acting unusual. The Respondent tested positive for fentanyl at a fitness-for-duty evaluation and admitted to diverting narcotics and injecting them intravenously in the hospital bathroom. The Board of Nursing also noted that one of its investigators

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<sup>2</sup> To maintain confidentiality, the names of all witnesses, facilities, employees, and patients will not be used in this document but will be provided to the Respondent on request.

interviewed the Respondent on March 18, 2015, and asked him questions about diverting and using narcotics. The Respondent admitted that he diverted fentanyl from patients under his care and provided services as a CNA while under the influence of fentanyl.

6. On or about December 3, 2015, the Board of Nursing continued the summary suspension of the Respondent's CNA certificate following a show cause hearing. The Board of Nursing noted that the Respondent failed to appear at the hearing.

7. On or about August 30, 2016, the Board of Nursing issued a default final decision and revoked the Respondent's CNA certificate for substantially the same reasons that it had summarily suspended his certificate (*see* ¶ 5, *supra*). The Board of Nursing noted in its final decision that the Respondent had not requested an evidentiary hearing within the time to do so.

### **False Statements on Employment Applications**

#### *Employment Application to Pharmacy 1*

8. On or about April 2, 2015, the Respondent submitted an initial employment application to Pharmacy 1. The Respondent denied in his application that there were any proceedings by a State agency pending against him and denied ever being the subject of or involved in an inquiry or investigation. However, at the time of the application, the Respondent was under investigation by the Maryland Board of Nursing, and a Board of Nursing investigator had interviewed him on or about March 18, 2015 (*see* ¶ 5, *supra*).

9. On or about July 28, 2018, the Respondent resigned from Pharmacy 1.

#### *Employment Application to Pharmacy 2*

10. On or about April 28, 2017, the Respondent submitted an initial employment application to Pharmacy 2. The Respondent denied in his application that he ever had a

health care license suspended, revoked, or surrendered. However, at the time of the application, the Maryland Board of Nursing had summarily suspended and subsequently revoked his CNA certificate (see ¶¶ 5-7, *supra*).

11. Pharmacy 2's personnel records for the Respondent show that from July 16 to July 19, 2018, the Respondent acted erratically at work, including, but not limited to his refusal to do assigned work, rambling while speaking, leaving work early without notifying his supervisors, and making unusual and unprompted comments to coworkers, among other things. Pharmacy 2's managers sent the Respondent for a reasonable suspicion drug test. A manager arranged through a ride-sharing application to take the Respondent to a medical center for the drug testing. The manager confirmed with the ride-sharing application that the Respondent was dropped off in front of the medical center. However, the medical center had no record of the Respondent signing in there, and he never completed the reasonable suspicion drug test.

12. On or about December 17, 2018, Pharmacy 2 terminated the Respondent's employment. Pharmacy 2 had discovered the Maryland Board of Nursing's disciplinary actions against the Respondent through a search of the National Practitioner Data Bank and determined that he falsified his application by denying any prior suspension or revocation of a health care license.

### **False Statements on Registration Applications**

#### *Initial Application for Pharmacy Technician Registration - 2015*

13. On or about October 23, 2015, the Respondent submitted to the Board his initial Application for Pharmacy Technician Registration.

14. In his initial application, the Respondent denied that any State licensing or disciplinary board had filed a complaint or charges against him or investigated him for any reason. However, at the time of the application, the Respondent was under investigation by the Maryland Board of Nursing, and a Board of Nursing investigator had interviewed him on or about March 18, 2015 (*see* ¶ 5, *supra*).

15. In his initial application, the Respondent denied that his ability to practice as a pharmacy technician was affected by using drugs or alcohol. However, at the time of the initial application, the Respondent had been recently terminated from Hospital 1 for diverting and using narcotics while on the job (*see* ¶ 5, *supra*).

16. The Respondent signed the application and affirmed that the information provided was “true and correct to the best of [his] knowledge and belief.”

*Reinstatement Application for Pharmacy Technician Registration - 2017*

17. On or about March 20, 2017, the Respondent submitted to the Board his Application for Pharmacy Technician Registration – Reinstatement.

18. In his reinstatement application, the Respondent denied that any State licensing or disciplinary board had taken formal disciplinary action against a registration or license that he held. However, at the time of his reinstatement application, the Maryland Board of Nursing had summarily suspended and subsequently revoked the Respondent’s CNA certificate (*see* ¶¶ 5-7, *supra*).

19. On his reinstatement application, the Respondent also denied that any State licensing or disciplinary board had filed a complaint or charges against him or investigated him for any reason. However, at the time of the reinstatement application, the Respondent had been investigated by the Maryland Board of Nursing, a Board of Nursing investigator

had interviewed him on or about March 18, 2015, and the Board of Nursing summarily suspended and subsequently revoked his CNA certificate (*see* ¶¶ 5-7, *supra*).

20. On his reinstatement application, the Respondent also denied that his ability to practice as a pharmacy technician had been affected by using drugs or alcohol. However, the Respondent had previously been terminated from Hospital 1 for diverting and using narcotics while on the job (*see* ¶ 5, *supra*).

21. The Respondent signed the reinstatement application and affirmed that the information provided was “true and correct to the best of [his] knowledge and belief.”

22. Based on the information set forth above, the Board has reason to believe that the Respondent falsely denied having prior disciplinary history on his initial and reinstatement applications to the Board, which resulted in his fraudulently and deceptively obtaining and maintaining a registration to practice as a pharmacy technician in the State of Maryland. The Respondent’s prior diversion and use of narcotics from Hospital 1 as well as his erratic behavior while working as a pharmacy technician at Pharmacy 2 show that his unmonitored practice poses a substantial risk to the public. The Respondent’s continued unmonitored practice on a fraudulently and deceptively obtained registration is substantially likely to pose a danger to the public health, safety, and welfare.

#### **CONCLUSION OF LAW**

Based on the foregoing Investigative Findings, the Board concludes that the public health, safety, or welfare imperatively require emergency action in this case, pursuant to State Gov’t § 10-226(c)(2)(i) and COMAR 10.34.01.12F.

**ORDER**

It is, on the affirmative vote of a majority of the quorum of the Board, hereby:

**ORDERED** that, pursuant to the Board's authority under Md. Code Ann., State Gov't § 10-226(c)(2), the registration of the Respondent, Earl Montague, III, Registration Number T17435, to practice as a pharmacy technician in the State of Maryland is **SUMMARILY SUSPENDED**; and it is further

**ORDERED** that the Respondent shall immediately return all registrations and 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 of receipt of this Order; and it is further

**ORDERED** that if the Respondent does not submit a timely written request to the Board for a post-deprivation show cause hearing, or if the Respondent requests a post-deprivation show cause hearing but fails to appear when scheduled, the investigative findings contained in this Order shall stand, and the Respondent's pharmacy technician registration will remain **SUSPENDED** absent further action by the Board; and it is further

**ORDERED** that this Order is a **PUBLIC DOCUMENT** pursuant to the Maryland Public Information Act, Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2014 & 2018 Supp.).

7-10-19  
Date

  
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Deena Speights-Napata  
Executive Director  
Maryland Board of Pharmacy