

IN THE MATTER OF

\*

BEFORE THE

CANDYCE A. PENN,

\*

MARYLAND BOARD

PHARMACY TECHNICIAN

\*

OF PHARMACY

RESPONDENT

\*

CASE No.: 20-306

REGISTRATION No.: T17544

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**FINAL ORDER OF REVOCATION OF  
PHARMACY TECHNICIAN REGISTRATION**

The Maryland Board of Pharmacy (“the Board”) notified **Candyce A. Penn, Pharmacy Technician**, Registration No.: **T17544** (the “Respondent”), of the Board’s intent to revoke her registration to practice as a pharmacy technician, under the Maryland Pharmacy Act (the “Act”), Md. Code Ann., Health Occupations (“Health Occ.”) §§ 12-101 *et seq.* (2014 Repl. Vol. and 2020 Supp.). The pertinent provisions of the Act and COMAR state:

**Health. Occ. §12-6B-09.**

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 applicant or pharmacy technician registrant:

.....

- (3) Fraudulently uses a pharmacy technician’s registration;

.....

- (23) Violates any provision of this title;

.....

- (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[.]

**Health Occ. §12-313. Denials, reprimands, suspensions, and revocations- Grounds.**

- .....  
(25) Violates any rule or regulation adopted by the Board;

**COMAR 10.34.10.01 Patient Safety and Welfare.**

- .....  
B. A pharmacist may not:  
  
(1) Engage in conduct which departs from the standard of care ordinarily exercised by a pharmacist;

.....

- (3) Engage in unprofessional conduct[.]

**FINDINGS OF FACT**

1. At all times relevant hereto, the Respondent was registered to practice as a pharmacy technician in the State of Maryland.

2. The Respondent was originally issued a registration to practice as a pharmacy technician in Maryland on or about January 28, 2016. The Respondent's registration expires on January 31, 2022.

3. On or about May 6, 2020, the Board issued an Order of Summary Suspension (the "Order") suspending the Respondent's registration based on the facts set forth below.

- a. At all times relevant hereto, the Respondent was employed at a retail pharmacy chain (the "Pharmacy") located in Maryland.<sup>1</sup> The Respondent began her employment at the Pharmacy on January 7, 2019.
  - b. On or about January 20, 2020, the Board received notification from Pharmacy staff that the Respondent diverted medication and other items from her place of employment.
  - c. According to video surveillance at the Pharmacy, the Respondent was observed receiving Pharmacy merchandise without paying.
  - d. The videotape showed the Respondent placing numerous items on the pharmacy counter. A pharmacy technician working behind the pharmacy counter (the "Employee") was seen on the videotape scanning only one of the items that the Respondent placed on the pharmacy counter. The Employee was observed bagging the items the Respondent placed on the pharmacy counter into multiple bags and then giving the bags with the scanned and unscanned merchandise to the Respondent.
  - e. On or about December 23, 2019, after reviewing the videotape, the Respondent was interviewed by Pharmacy staff. During the interview the Respondent provided a written statement admitting that she received merchandise from the Employee without paying for the merchandise. The Respondent admitted taking the merchandise to her vehicle.
  - f. The Pharmacy investigation revealed that the Respondent gave the Employee five dollars (\$5) for the merchandise. The cost of the merchandise that the Respondent received was over three hundred dollars (\$300).
  - g. The Respondent further admitted that she had also taken Tramadol<sup>2</sup> from the pharmacy when she was working.
  - h. The Respondent was subsequently terminated by Pharmacy staff.
4. The Respondent's conduct as set forth above is in violation of Health Occ.

§12-6B-09 (3), (23), (25), and (27), § 12-313(25), and COMAR 10.34.10.01 B(1) and (3).

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<sup>1</sup> The Pharmacy and Pharmacy Technician are not identified in this document for privacy reasons, but this information will be provided to the Respondent upon request.

<sup>2</sup> Tramadol is a narcotic-like pain reliever. It is a Schedule IV Controlled Dangerous Substance ("CDS").

**CONCLUSIONS OF LAW**

The Board concludes that the Respondent is in violation of Health Occ. §12-6B-09 (3), (23), (25), and (27), § 12-313(25), and COMAR 10.34.10.01 B(1) and (3).

**ORDER**

Based on the foregoing Findings of Fact and Conclusions of Law, a majority of a quorum of the Board hereby:

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


**ORDERED** that Respondent shall return to the Board all Maryland 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 Order is reportable to the National Practitioner Data Bank; and it is further

**ORDERED** that this document constitutes a formal disciplinary action of the Board of Pharmacy and is a public document for purposes of public disclosure, pursuant to Md. Code Ann., General Provisions §§ 4-101 *et seq.* (2014 Repl. Vol. and 2020 Supp.).

9/15/21  
Date

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

**NOTICE OF RIGHT OF APPEAL**

In accordance with § 12-316 of the Act and Md. Code Ann., State Government §§ 10-201, *et seq.* (2014 Repl. Vol. and 2020 Supp.), 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 aforementioned authority.