

**IN THE MATTER OF
CANDYCE A. PENN,
PHARMACY TECHNICIAN
RESPONDENT
REGISTRATION No.: T17544**

*** BEFORE THE
* MARYLAND BOARD
* OF PHARMACY
*
* CASE No.: 20-306**

* * * * *

ORDER FOR SUMMARY SUSPENSION

Pursuant to Md. Code Ann., State Govt. §§ 10-226 (c)(2) (2014 Repl. Vol. & 2019 Supp.), the Maryland Board of Pharmacy (the "Board") hereby summarily suspends the registration of **Candyce A. Penn**, Pharmacy Technician, Registration Number: **T17544** (the "Respondent"), to practice as a pharmacy technician under the Maryland Pharmacy Act (the "Act"), Md. Code Ann., Health Occ. ("Health. Occ.") §§12-101 *et seq.* (2014 Repl. Vol. & 2019 Supp.). This Order is based on the following investigative findings which the Board has reason to believe are true:¹

INVESTIGATIVE FINDINGS

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.

¹ The statements regarding the Respondent's conduct are only intended to provide the Respondent with 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. At all times relevant hereto, the Respondent was employed at a retail pharmacy chain (the "Pharmacy") located in Maryland.² The Respondent began her employment at the Pharmacy on January 7, 2019.

4. 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.

5. According to video surveillance at the Pharmacy, the Respondent was observed receiving Pharmacy merchandise without paying.

6. 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.

7. 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.

² 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.

8. 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).

9. The Respondent further admitted that she had also taken Tramadol³ from the pharmacy when she was working.

10. The Respondent was subsequently terminated by Pharmacy staff.

11. On or about January 3, 2020, the Respondent was charged in in the District Court for Prince George's County, Maryland with Theft over \$100 and less than \$1500 and Conspiracy to committed Theft over \$100 and less than \$1500, in violation of Md. Code Ann., Crim. Law §7-104.

CONCLUSIONS OF LAW

Based on the foregoing Investigative Findings, the Board concludes as a matter of law that the public health, safety, and welfare imperatively requires emergency action in this case, pursuant to Md. Code Ann., State Gov't. § 10-226(c)(2).

ORDER

Based on the foregoing Investigative Findings and Conclusions of Law, it is this 7th day of May 2020, by a majority of the quorum of the Board, it is hereby

ORDERED that the registration issued to the Respondent to practice as a pharmacy technician in the State of Maryland under registration number: T17544 is hereby **SUMMARILY SUSPENDED**; and it is further


³ Tramadol is a narcotic-like pain reliever. It is a Schedule IV Controlled Dangerous Substance ("CDS").

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 copies of her registrations to the Board; 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.* (2014 Repl. Vol. & 2019 Supp.).

5-6-2020
Date



Deena Speights-Napata, M.A.
Executive Director
for
Kevin Morgan, Pharm.D.
President
Maryland Board of Pharmacy