

IN THE MATTER OF
JESSICA D. RICHARD
(a.k.a. Jessica Stonesifer)
Respondent

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BEFORE THE
MARYLAND STATE
BOARD OF PHARMACY

Registration Number: T02083

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Case Number: PT-13-035/13-235

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FINAL ORDER

On September 20, 2013, the Maryland State Board of Pharmacy (the "Board") notified **JESSICA D. RICHARD (a.k.a. Jessica Stonesifer)** (the "Respondent") (D.O.B. 5/27/1980), Registration Number T02083, of its intent to revoke her registration to practice as a pharmacy technician in the State of Maryland pursuant to the Maryland Pharmacy Act (the "Act"), codified at Md. Code Ann., Health Occ. ("Health Occ.") §§ 12-101 *et seq.* (2009 Repl. Vol. & 2012 Supp.).

Specifically, the Board charged the Respondent with violating the following provision of the Act:

§ 12-6B-09. Grounds for reprimand or denial, probation, suspension, or revocation of registration.

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;

FINDINGS OF FACT

The Board makes the following Findings of Fact:

Background

1. At all times relevant hereto, the Respondent was registered to practice as a pharmacy technician in the State of Maryland. The Respondent was initially registered to practice as a pharmacy technician in Maryland on August 14, 2008, under Registration Number T02083. The Respondent's registration is current through May 31, 2014.

2. The Respondent is registered with the Board under the name Jessica D. Stonesifer, which appears to be her maiden name; however, she also uses the name Jessica D. Richard, which appears to be her married name.

3. The Respondent resides in Littlestown, Pennsylvania, which is located approximately 15 miles north of Westminster, Maryland.

4. At all times relevant hereto, the Respondent was employed as a pharmacy technician at a Hospital located in Westminster ("Hospital A")¹. The Respondent was employed at Hospital A from on or about May 29, 2007, to on or about June 4, 2013, when Hospital A placed her on administrative leave pending an investigation into allegations that she had forged prescriptions.

Ongoing Law Enforcement Investigations in Maryland and Pennsylvania

5. On or about March 19, 2013, a Deputy of the Carroll County Sherriff's Office ("Deputy S") received a call from a physician ("Physician C") affiliated with Hospital A, who also maintains a private practice in Westminster.

6. Physician C called Deputy S to report suspected forged prescriptions. The previous day, he had received a call from a nearby pharmacy located in Littlestown,

¹ To ensure confidentiality, the names of individuals and healthcare facilities involved in this case are not disclosed in this document. The Respondent may obtain the identity of the referenced names in this document by contacting the administrative prosecutor.

Pennsylvania (“Pharmacy A”) that was attempting to verify the authenticity of three Percocet² prescriptions. The prescriptions were ostensibly signed by Physician C and bore what appeared to be Physician C’s DEA number. However, the pharmacy sought verification because it was not familiar with the patient. Physician C confirmed to Pharmacy A that he had not written the prescriptions, and the pharmacy refused to fill the prescriptions. The next day, Physician C contacted Deputy S to report the forgeries.

7. While Physician C’s signature was obviously dissimilar to his true signature, the DEA number shown on the false prescriptions was in fact Physician C’s correct DEA number. Furthermore, the prescriptions were not photocopies on counterfeit paper, but were instead original prescriptions from a genuine prescription pad, which belonged to Hospital A, where Physician C held privileges.

8. The three forged prescriptions, all for Percocet, were written for the Respondent’s Husband.

9. Because the alleged forgeries occurred in Littlestown, Pennsylvania, where Pharmacy A was located, Deputy S contacted an officer of the Littlestown Police Department, Officer L, and requested investigative assistance.

10. Based on Deputy S’s information, Officer L began an investigation. He was able to obtain a driver’s license photo of the Respondent’s husband from a Pennsylvania state database. He then travelled to Pharmacy A where he was able to review video surveillance tape. Officer L was able to clearly identify the Respondent’s husband on video and observed him present the forged prescriptions at the counter.

² Percocet, a brand name for acetaminophen and oxycodone, is a Schedule II CDS indicated for the treatment of moderate to severe pain.

11. On or about May 19, 2013, Officer L interviewed the Respondent's husband. According to the Incident Report, during the interview, the Respondent's husband stated that

his soon to be ex-wife, [the Respondent], who works at [Hospital A], told him that [Physician C] filled the prescription out for her to give to him without having a check-up. [The Respondent's husband] thought it was a valid prescription, but he found out later [the Respondent] had been filling them out.

12. On or about May 22, 2013, Officer L's investigation culminated in the arrest of the Respondent's husband and the issuance of felony charges for prescription fraud in Pennsylvania.

13. On or about May 21, 2013, Officer L apprised Deputy S of the Respondent's husband's statements inculcating the Respondent for the forgeries, whereupon Deputy S initiated further investigation of the Respondent's activities in Maryland.

14. Deputy S contacted Hospital A and confirmed that the Respondent's position there as a pharmacy technician grants her access to prescription pads and to the DEA numbers of affiliated Physicians. He also learned that no physician at Hospital A has ever prescribed the Respondent's husband Percocet.

15. On or about June 11, 2013, based on his investigative findings, Deputy S, charged the Respondent with "Theft Less Than \$100.00" in the District Court of Maryland for Carroll County, under case number 2S00059411. A trial is scheduled for August 28, 2013.

Board Complaint

16. On or about May 28, 2013, the Board received a complaint (the "Complaint") regarding the Respondent. The Complainant alleged that the Respondent had stolen prescription pads from her place of employment, Hospital A, and was involved in forging prescriptions for Percocet using false signatures for three area physicians ("Physician K", "Physician U", and "Physician C").

17. Based on the Complaint, the Board began an investigation.

Board Investigation

18. In furtherance of the investigation, the Board Investigator conducted site visits to Hospital A and surrounding area pharmacies, liaised with Maryland and Pennsylvania law enforcement agencies, communicated with Physicians C, U, and K, and obtained relevant documents.

19. The Board Investigator visited several Pharmacies and requested logs of prescriptions written by Physicians C, U, and K. She was able to identify approximately fifteen (15) prescriptions she suspected of being forgeries. The prescriptions originated from Hospital A prescription pads and prescribed CDS for four individuals including the Respondent herself and the Respondent's husband.

20. The Board Investigator then faxed copies of the prescriptions to Physician C, U, and K and requested verification of their authenticity. All were verified to be forgeries.

21. The Board Investigator then examined the serial numbers of the forged prescriptions. Each prescription pad contains approximately fifty individual prescriptions. Each of the fifty individual prescriptions bears a six-digit serial number, and the numbers are sequential such that each pad comprises a range of fifty serial numbers. Thus, by

examining whether a particular prescription's serial number is within a particular pad's fifty number range, one can determine whether the prescription originated from that particular pad.

22. A review of the serial numbers of the forged prescriptions shows that they originated from at least two separate stolen pads:

"Pad 1": Serial numbers 271501 – 271550, signed out by the Respondent on or about December 12, 2012; and

"Pad 2": Serial numbers 275151 – 275200, signed out by the Respondent on or about February 6, 2013

23. The forgeries bear the following serial numbers, shown according to the supposed prescriber:

Physician C: 271534, 271535, 271544, 271545, 271549, 275151, 275158, 275170, 275181

Physician K: 271517, 271520, 271521, 271523, 275169

Physician U: 275156

24. The Board Investigator also visited Hospital A and learned about the hospital's procedures for storing and accessing prescription pads. According to her investigative report, the prescription pads were kept in a centralized location at the inpatient hospital pharmacy. If pads were needed in any unit of the hospital, certain pharmacy staff, often a pharmacy technician, would retrieve them and document their activity in a sign-out sheet called the "Prescription Pad Log," which recorded the number of pads, the serial number range for each, the name of the technician accessing the pads, the unit to which the pads were being sent, and the date.

25. When the pads reached their destination within Hospital A, they were placed into an Accudose machine (every unit of Hospital A had such a machine, except

the Coumadin Clinic and the Wound Care Unit). Upon delivery, the Accudose machine electronically created another log (the "Accudose Delivery Log"), which recorded the number of pads delivered, the date, etc.

26. If no pads are diverted or lost between their initial retrieval and final delivery, the number of pads recorded in the Prescription Pad Log should match the number of pads recorded in the Accudose Delivery Log. (For those units without the Accudose machines, no delivery log is created at all, so no comparison is possible.)

27. A review of the two logs, however, reveals that on December 12, 2012, the Respondent signed out three pads, including Pad 1, but only two were delivered and recorded in the Accudose Delivery Log. The Respondent on this occasion stole Pad 1 and subsequently forged Physicians C's and K's signatures to make fraudulent prescriptions.

28. Moreover, on or about February 6, 2013, the Prescription Pad Log indicated that the Respondent signed out Pad 2. Because the signed out pad was destined for the Wound Care Unit, there was no record of whether the pad was actually delivered. The Respondent on this occasion stole Pad 2 and subsequently forged Physician U's signature to make fraudulent prescriptions.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board comes to the following conclusions as a matter of law.

The Respondent's conduct, as described above, constitutes a violation of the Act, including: diversion and subsequent forgery of CDS prescriptions, in violation of Health Occ. §12-6B-09(3).

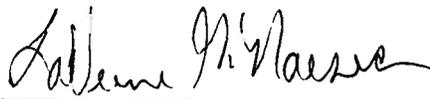
ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 15th day of January, 2013⁴, by a majority of the Board considering this case:

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 this is a Final Order and as such is a **PUBLIC** document pursuant to Md. State Gov't Code Ann. §§ 10-611 *et seq.* (2009 Repl. Vol.).

1/15/14
Date



LaVerne G. Naesea, Executive Director
Maryland State Board of Pharmacy

NOTICE OF RIGHT TO APPEAL

Pursuant to Md. Code Ann., Health Occ. § 12-316(b), the Applicant has the right to take a direct judicial appeal. Any appeal shall be filed within thirty (30) days from the date of this Final Decision and Order and shall be made as provided for judicial review of a final decision in the Maryland Administrative Procedure Act, Md. State Gov't Code Ann. § 10-222 and Title 7, Chapter 200 of the Maryland Rules of Procedure.

If the Applicant files an appeal, the Board is a party and should be served with the court's process at the following address:

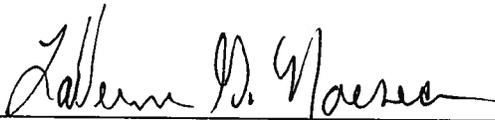
LaVerne G. Naesea, Executive Director
Maryland State Board of Pharmacy
4201 Patterson Avenue
Baltimore, Maryland 21215

and

Linda Bethman, Assistant Attorney General
Board Counsel
Office of the Attorney General
300 West Preston Street, Suite 302
Baltimore, Maryland 21201

The Administrative Prosecutor is no longer a party to this case and need not be served or copied.

11/15/14
Date



LaVerne G. Naesea, Executive Director
Maryland State Board of Pharmacy