

IN THE MATTER OF

\* BEFORE THE MARYLAND

MICHAEL D. ROSS, Pharmacy  
Technician

\* STATE BOARD OF

Respondent

\* PHARMACY

Registration Number: T20794

\* Case Number 20-418

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**ORDER FOR SUMMARY SUSPENSION OF  
PHARMACY TECHNICIAN REGISTRATION**

The Maryland Board of Pharmacy (the “Board”) hereby summarily suspends the registration of Michael Denise Ross (the “Respondent”), Registration Number T20794 to practice as a pharmacy technician in the State of Maryland. The Board takes such action pursuant to the Board’s authority under Md. Code Ann., State Gov’t § 10-226(c)(2) (2014 Repl. Vol. and 2019 Supp.) and Code of Maryland Regulations (“COMAR”) 10.34.01.12F, concluding that the public health, safety or welfare imperatively requires emergency action.

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

1. The Respondent was originally registered to practice as a pharmacy technician in Maryland on March 26, 2018, under registration number T20794. The Respondent’s registration is scheduled to expire on November 30, 2021.

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<sup>1</sup> The statements regarding the Respondent’s conduct are intended to provide the Respondent with notice of the allegations. 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. At all times relevant hereto, the Respondent was employed as a pharmacy technician at a pharmacy (the “Pharmacy”)<sup>2</sup> located in Prince George’s County, Maryland.

3. On or about March 28, 2020, the Board received notice from the owner of the Pharmacy that the Respondent “. . . was caught on camera stealing bottles of prom[e]thazine with codeine and other medicines from the pharmacy” and that a police complaint had been filed.

#### Pharmacy Investigation

4. On June 26, 2020 the pharmacist on duty (“Pharmacist”) received two bottles of promethazine with codeine as part of an order. The Respondent was working performing routine pharmacy technician duties during the Pharmacist’s shift. When the Pharmacist returned to his workstation after lunch, he was unable to locate the bottles. The Pharmacist asked the Respondent if she had seen the bottles and she denied that she had seen the bottles. The Pharmacy therefore reviewed surveillance videos from that day and observed that the Respondent had stolen the bottles.

5. On March 27, 2020, the Pharmacy confronted the Respondent regarding the missing bottles of promethazine with codeine and the Respondent admitted that she took the bottles. The Respondent wrote and signed a statement resigning from the Pharmacy and admitting that she took two bottles of promethazine with codeine and food.

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<sup>2</sup> In order to maintain confidentiality, names of individuals and facilities involved in this matter will not be used in this document, but will be provided to the Respondent on request.

6. The Pharmacy suspected that the Respondent had diverted additional medications and therefore reviewed surveillance video and conducted an internal audit of its medication stock that revealed a loss of additional medications including controlled dangerous substances (“CDS”) and store products. Pharmacy video surveillance from March 23 and March 26 shows the Respondent removing multiple medications and products from the Pharmacy and arranging with two individuals to pick up and remove the stolen items.

7. On May 4, 2020, the Pharmacy provided the Board with copies of the video surveillance showing the Respondent removing the prescription medications and products from the store. The Board received a DEA (Drug Enforcement Agency) - 106 – Report of Theft or Loss of Controlled Substances (the “Report”) from the Pharmacy related to the loss of CDS.

8. The Report listed the controlled dangerous substances (“CDS”) that were lost/stolen as:

<b>Trade Name</b>	<b>Name of Controlled Substance in Preparation</b>	<b>Dosage Strength</b>	<b>Quantity Lost or Stolen</b>
Phenergan and Codeine	Promethazine & Codeine Solution	625 & 10 mg	946 ml
MS Contin	Morphine Sulfate ER	15 mg	62
Roxicodone	Oxycodone	10 mg	108
Percocet	Oxycodone & APAP	5/325 mg	170
Percocet	Oxycodone & APAP	7.5/325 mg	111
Percocet	Oxycodone & APAP	10/325 mg	657
Tylenol #4	Acetaminophen & Codeine	300/60 mg	350

Advair Diskus	Fluticasone & salmetrol	250/50 mcg	1
Ventolin HFA	Albuterol	90 mcg	4
Viagra	Sildenafil	100 mg	7

9. The Report listed the value of the lost CDS as \$35 and “still checking”.

10. The Board also received a document from the Pharmacy titled “List of Items Stolen by Michae” that contained the following CDS and items:

	<b>List of Items Stolen by Michae</b>	<b>QTY.</b>
1.	Promethazine with Codeine Suspension 473 ml	2
2.	Morphine Sulfate ER Tablets 15 mg	62
3.	Oxycodone Tablets	108
4.	Oxycodone & Acetaminophen tablets 5/325 mg	170
5.	Oxycodone & Acetaminophen tablets 7.5/325 mg	111
6.	Oxycodone & Acetaminophen tablets 10/325 mg	657
7.	Acetaminophen & Codeine Tablets 300/60 mg	350
8.	Fluticasone/Salmeterol 250/50 Inhaler (Advair)	1
9.	Albuterol Inhaler 90 mcg (Ventolin)	4
10.	Sildenafil tablets 100 mg (Viagra)	7
11.	Amoxicillin Suspension 400mg/5ml	4
12.	Alcohol Swabs 100’s	6
13.	Box Distilled Water 473ml	4
14.	Box of Liquid Ovals 2 oz 48’s	1
15.	Lots of snacks from the front store	
16.	Lots of feminine products from the front store	

Criminal Investigation

11. On March 27, 2020 a police officer from the Prince George's County Police Department responded to the Pharmacy and conducted an investigation. The Pharmacy declined to press charges against the Respondent at the time.

12. Based on the above information, the Board has reason to believe that the Respondent diverted multiple prescription-only CDS medications and store products over an extended time period.

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 authority vested in the Board by Md. Code Ann., State Gov't § 10-226(c)(2), the Respondent's registration to practice as a pharmacy technician, Registration Number T20794, in the State of Maryland be and is hereby **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 any further action by the Board; and be it further

**ORDERED** that this is a **PUBLIC DOCUMENT** pursuant to the Maryland Public Information Act. Md. Code Ann., Gen. Prov. §§ 4-101 – 4-601 (2019 Repl. Vol.).

7-23-2020  
Date

Deena Speights Napata  
Deena Speights-Napata, M.A.  
Executive Director  
Maryland Board of Pharmacy