

IN THE MATTER OF * **BEFORE THE**
MALIKAH SCRIBER * **STATE BOARD**
PHARM TECH * **OF**
Registration No.: T15361 * **PHARMACY**
Respondent * **Case No. PT-17-001**

* * * * *

FINAL ORDER OF REVOCATION
OF PHARMACY TECHNICIAN'S REGISTRATION

On July 18, 2018, the State Board of Pharmacy (the "Board"), notified **MALIKAH SCRIBER**, Pharmacy Technician (Pharm Tech), the Respondent, **Registration No.: T15361**, of its Intent to Revoke her Pharm Tech registration.

The Notice also informed the Respondent that, unless she requested a hearing in writing within 30 days of receipt of said Notice, the Board would sign the Final Order, which was enclosed. More than 30 days have elapsed and the Respondent failed to timely request a hearing. Therefore, this revocation is final.

The Board bases its action on the Respondent's violation of the following provisions of the Act, Md. Code Ann., Health Occupations ("Health Occ.") §§ 12-101 *et seq.* (2014 Repl. Vol. and 2017 Supp.)

Health Occ. § 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;
- (27) Participates in any activity that is grounds for Board action under § 12-313 or § 12-409 of this title [;].

With respect to Health Occ. § 12-6B-09 (27), the underlying grounds for Board action under § 12-313 include:

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

The pertinent provision of the Board's regulations under Code Md. Regs. ("COMAR") § 10.34.10, Pharmacist, Pharmacy Intern, and Pharmacy Technician Code of Conduct, provides:

.01 Patient Safety and Welfare.

B. A pharmacist may not:

- (3) Engage in unprofessional conduct.

**FACTS THAT WARRANT
THE REVOCATION OF THE RESPONDENT'S REGISTRATION**

1. At all times relevant hereto, the Respondent was registered to practice as a Pharm Tech in Maryland. The Respondent was first registered on October 22, 2014. The Respondent's registration expired on February 28, 2018.

2. At all times relevant hereto, the Respondent was employed as a Pharm Tech at a pharmacy within a chain pharmacy in Baltimore, Maryland, hereinafter the "Pharmacy".¹

¹The names of the individuals and facilities are confidential.

3. On July 1, 2016, the Board received a Drug Enforcement Administration (DEA) "Report of Theft or Loss of Controlled Substances" from the Pharmacy indicating that the Respondent committed employee pilferage of Alprazolam², 2 mg, 1343 tablets.

4. On July 7, 2016, the Board received the Pharmacy's investigative file which disclosed the following information:

- A. The Pharmacy's Investigative Specialist determined that Alprazolam was being negatively keyed out in the Pharmacy's ordering system, even though there were no drugs being dispensed to support the inventory being sold;
- B. As a result, covert cameras were installed and, after viewing same, the Respondent was recorded concealing the Alprazolam, 2mg tablets, from the bottle after keying in a negative adjustment of -63 tablets;
- C. On June 28, 2016, the Pharmacy's Specialist interviewed the Respondent in the store manager's office where the Respondent admitted, during a video interview and via a written statement, to a theft scheme involving the Alprazolam tablets;
- D. The Respondent admitted that she had stolen 1343 tablets at a rate of approximately 200 tablets a week since April 2016;

²Alprazolam, brand name Xanax, is a prescription drug used to treat anxiety disorders, such as generalized anxiety disorder (GAD), anxiety associated with depression, and panic disorder. Other uses include treatment of depression and premenstrual syndrome (PMS). It is in a class of drugs called benzodiazepines.

E. Based upon the above, the Respondent was terminated from employment with the Pharmacy;

F. The Respondent claimed that she was stealing the tablets to “support” her daughter.

5. Based upon the above, on October 27, 2016, the Board issued an Order for Summary Suspension in which it summarily suspended the Respondent’s registration. The Respondent failed to request a hearing and/or to contest the Board’s findings.

6. The Respondent’s conduct, as set forth above, constitutes a violation of Health Occ. §§ 12-6B-09 (3) and (27), Health Occ. § 12-313(25), and COMAR § 10.34.10.01 B (3).

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes that the Respondent violated Health Occ. §§ 12-6B-09 (3) and (27), Health Occ. § 12-313(25), and COMAR § 10.34.10.01 B (3).

ORDER

As set forth above, the Board hereby Orders, that the registration to practice as a Pharmacy Technician in Maryland held by **MALIKAH SCRIBER**, the Respondent, Registration Number T15361 be and is **REVOKED**, and that this Order is public, pursuant to Md. Code Ann., General Provisions §§ 4-101 *et seq.* (2014 Vol. and 2017 Supp.).


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 2017 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 aforesaid authority.

11/21/18

Date



Kevin Morgan, Pharm.D., President
State Board of Pharmacy