

IN THE MATTER OF	*	BEFORE THE MARYLAND
KRISTEN SMITH	*	STATE BOARD OF
PHARMACY TECHNICIAN	*	PHARMACY
REGISTRATION NO. T09415	*	Case No. PT-13-021

\* \* \* \* \*

**CONSENT ORDER TERMINATING  
SUMMARY SUSPENSION**

**Background**

Based on information received and a subsequent investigation by the Maryland State Board of Pharmacy (the “Board”), and subject to the Maryland Pharmacy Act (the “Act”), Md. Code Ann., Health Occ. §§ 12-101, *et seq.* (2009 Repl. Vol. & 2012 Supp.), and the Maryland Administrative Procedure Act, Md. Code Ann., State Gov’t §§ 10-201 *et seq.* (2009 Repl. Vol.), the Board issued an Order for Summary Suspension, dated April 2, 2013, in which it summarily suspended the pharmacy technician registration held by Kristen Smith (the “Respondent”), Registration No. T09415. Specifically, the Board found that reliable evidence demonstrated that a threat to the public health, safety, or welfare required emergency action, pursuant to Md. Code Ann., State Gov’t § 10-226(c)(2)

On June 19, 2013, the Board held a hearing before a quorum of the Board to allow the Respondent the opportunity to show cause why she did not pose an imminent threat to the health, safety, or welfare of the public, and why the summary suspension should be lifted. The Board now finds that the Respondent does not pose an imminent threat to the health, safety, or welfare of the public, provided that she comply with the terms and conditions set forth in this Consent Order.

### FINDINGS OF FACT

1. The Respondent is a registered pharmacy technician in the State of Maryland under Registration Number T09415. The Respondent was first registered on July 1, 2011. The Respondent's registration expires on August 31, 2014.

2. At all times relevant hereto, the Respondent was employed as a pharmacy technician at a chain pharmacy located in Baltimore, Maryland.

3. On January 18, 2013, the store informed the Board, by way of a DEA Form 106, that the Respondent had been terminated and arrested for the theft of Suboxone 8mg-2mg SL Film, a Schedule II Controlled Dangerous Substance.

4. Upon receipt of a *subpoena duces tecum* from the Board, the pharmacy also provided documentation indicating that the Respondent admitted, verbally and in writing, that she stole up to 12 boxes of the Suboxone films, which she sold to a family friend. The Respondent also admitted to taking naproxen, generic Keppra, and Motrin for personal use on a couple of occasions.

5. On February 1, 2013, the Respondent received probation before judgment for the charge of theft under \$10,000 in the District Court for Baltimore City.

6. On April 2, 2013, the Board issued an Order for Summary Suspension, immediately suspending the Respondent's registration to practice as a pharmacy technician, based on a finding that a threat to the public health, safety, or welfare required emergency action, pursuant to Md. Code Ann., State Gov't § 10-226(c)(2).

7. Following the Respondent's request, the Board held a Show Cause Hearing with the Respondent in front of a quorum of the Board on June 19, 2013, to allow the respondent the opportunity to show cause why she did not pose an imminent threat to the health, safety, or welfare of the public, and why the summary suspension should be lifted.

8. At the Show Cause Hearing, the Respondent admitted that she stole the drugs and sold them to a family friend. The Respondent also informed the Board that she was dealing with a number of ongoing personal issues at the time that contributed to her decision to steal the drugs. The Respondent also informed the Board that she had a new job outside of the field of pharmacy.

#### **CONCLUSIONS OF LAW**

Based upon the foregoing Findings of Fact, the Board finds that the Respondent violated Md. Code Ann., Health Occ. §§ 12-6B-09(22) and (27).

#### **ORDER**

Based on agreement of the parties, it is this 17<sup>th</sup> day of July, 2013, by an affirmative vote of the Board, hereby:

**ORDERED** that the Respondent's registration be **SUSPENDED** for at least **ONE (1) YEAR**, beginning on the effective date of this Consent Order; and be it further,

**ORDERED** that within two weeks of the effective date of this Consent Order, the Respondent shall contact the Pharmacists' Education and Advocacy Council of Maryland ("PEAC"); and be it further,

**ORDERED** that prior to petitioning the Board to lift the suspension, the Respondent shall submit to an evaluation by a Board-approved evaluator; and be it further,

**ORDERED** that the Respondent may petition the Board to lift the suspension no earlier

than ONE (1) YEAR following the effective date of this Consent Order, provided that the Respondent has fully complied with all of the conditions set forth herein during the suspension period; and be it further,

**ORDERED** that upon the Board's lifting of the suspension, the Respondent shall be placed on immediate PROBATION with the terms and conditions of such probation to be determined upon the Board's lifting of the suspension; and be it further

**ORDERED** that the Respondent's execution of this Consent Order shall constitute a release of any and all medical records, substance abuse treatment records, and psychological/psychiatric records pertaining to the Respondent to the Board in complying with the terms and conditions set forth herein; and be it further,

**ORDERED** that the Respondent shall at all times cooperate with the Board in the monitoring, supervision, and investigation of the Respondent's compliance with the terms and conditions of this Consent Order; and be it further,

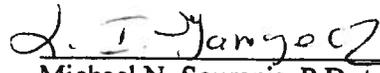
**ORDERED** that the Respondent's failure to fully cooperate with the Board shall be deemed a violation of this Consent Order; and be it further,

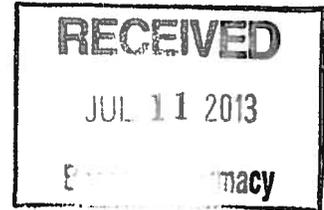
**ORDERED** that in the event the Board finds in good faith that the Respondent has violated any of the terms or conditions of this Consent Order, the Board may impose further disciplinary action against the Respondent's registration, including but not limited to extending the Respondent's suspension or revoking the respondent's registration, provided that the Respondent is first given the opportunity for a hearing; and be it further,

**ORDERED** that the Respondent shall bear all expenses associated with this Consent Order; and be it further,

**ORDERED** that this is a formal order of the Maryland Board of Pharmacy and as such is a public document pursuant to the Maryland Annotated Code, State Government Article, Section 10-617(h).

Date 7/17/2013

  
~~Michael N. Souranis, P.D.~~ Lenna Israbian - Jangochian  
President, Maryland Board of Pharmacy  
Pharm-D.



CONSENT

1. By signing this Consent, I submit to the foregoing Consent Order as a resolution of this matter. I waive any rights I may have had to contest the findings of fact and conclusions of law contained in this Consent Order, and I agree to be bound by the foregoing Consent Order and its conditions.

2. I acknowledge the validity of this Consent Order as if it were made after a hearing in which I would have had the right to counsel, to confront witnesses on my own behalf, and to all other substantial procedural protections provided by law.

3. I acknowledge that this is a formal order of the Board and as such is a public document.

3. I acknowledge the legal authority and the jurisdiction of the Board to enter and enforce this Consent Order.

4. I acknowledge that, by entering into this Consent Order, I am waiving my right to appeal any adverse ruling of the Board that might have followed an evidentiary hearing.

5. I sign this Consent Order freely and voluntarily, after having had the opportunity to consult with counsel. I fully understand the language, meaning, and effect of this Consent Order.

6/28/13  
Date

Kristen Smith  
Kristen Smith, Pharmacy Technician

STATE OF MARYLAND  
COUNTY/CITY OF \_\_\_\_\_:

I hereby certify that on this 28 day of June, ~~2012~~<sup>2013</sup>, before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared KRISTEN SMITH, and made an oath in due form that the foregoing Consent was her voluntary act and deed.

Shanell Ricks  
Notary Public  
My commission expires: 4/22/2017

SHANELL RICKS  
NOTARY PUBLIC  
BALTIMORE CITY  
MARYLAND  
My Commission Expires 4-22-2017