

IN THE MATTER OF

KRISTEN SMITH

Respondent

Registration Number: T09415

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BEFORE THE

MARYLAND STATE

BOARD OF PHARMACY

Case Number: PT-13-021/13-221

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**ORDER FOR SUMMARY SUSPENSION OF REGISTRATION
TO PRACTICE AS A PHARMACY TECHNICIAN**

The Maryland State Board of Pharmacy (the "Board") hereby **SUMMARILY SUSPENDS** the registration of **KRISTEN SMITH** (the "Respondent") (D.O.B. 8/19/89), Registration Number T09415, to practice as a pharmacy technician in the State of Maryland. The Board takes such action pursuant to its authority under Md. Code Ann., State Gov't ("S.G.") § 10-226(c)(2) (2009 Repl. Vol.) and Md. Regs. Code ("COMAR") 10.34.01.12 (2000), concluding that the Respondent's actions constitute a threat to public health, safety or welfare which imperatively requires the immediate suspension of her registration.

INVESTIGATIVE FINDINGS

Based on information received by, and made known to the Board, and the investigatory information obtained by, received by and made known to and available to the Board, including the instances described below, the Board has reason to believe that the following facts are true:¹

¹ The statements regarding the Respondent's conduct are intended to provide the Respondent with notice of the basis of the summary suspension. 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.

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 July 1, 2011, under Registration Number T09415. The Respondent's registration is current through August 31, 2014.

2. At all times relevant hereto, the Respondent was employed as a pharmacy technician at a pharmacy ("Pharmacy A")² located in Baltimore, Maryland. The Respondent was employed as a pharmacy technician at Pharmacy A from approximately January 13, 2012, until her termination on or about December 21, 2012.

3. On or about January 18, 2013, the Board received a report and a Drug Enforcement Agency (DEA) Form 106 "Report of Loss of Controlled Substances," (collectively, the "Complaint") from a Compliance Analyst of Pharmacy A, alleging that on or about December 5, 2012, the Respondent stole Suboxone³ 8mg-2mg SL Film and other medications from Pharmacy A.

4. The Complaint further stated that the Respondent was immediately terminated by Pharmacy A and was also arrested by the Baltimore City Police Department for theft. Based on the Complaint, the Board initiated an investigation.

5. In furtherance of the investigation, the Board sent a *subpoena duces tecum* to Pharmacy A for all relevant documents regarding the Respondent and the theft. Pharmacy A's response to the Board's subpoena (the "Pharmacy A Documents")

² To ensure confidentiality, the names of individuals, hospitals 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.

³ Suboxone is a Schedule III Controlled Dangerous Substance (CDS) containing buprenorphine hydrochloride. Suboxone reduces the symptoms of withdrawal from opioid drugs by producing similar effects to these drugs.

included written admissions by the Respondent to Pharmacy A investigators that she had committed the theft.

6. In a written statement, the Respondent stated that over the course of several months, she stole approximately 12 boxes of Suboxone, with the last theft occurring approximately December 18, 2012. Each box contained approximately 30 units of 8mg-2mg SL Films. The Respondent explained that she sold each box for approximately \$150.

7. In addition, the Respondent also admitted that she took Naproxen, Generic Keppra, and Motrin from Pharmacy A for personal use, without paying. According to Pharmacy A Documents, the retail value of the drugs the Respondent stole was \$3491.98.

8. A Maryland Judiciary Case Search⁴ of the Respondent revealed that on February 1, 2013, in the District Court for Baltimore City, in case number 4B02202778, the Respondent was granted probation before judgment on the charge of "THEFT: \$1,000 TO UNDER \$10,000" and placed on supervised probation for a period of one-year.

CONCLUSIONS OF LAW

Based on the foregoing investigative findings, the Board concludes as a matter of law that the Respondent's actions constitute a threat to the public health, safety or welfare, which imperatively requires the immediate suspension of her registration to practice as a pharmacy technician, pursuant to Md. Code Ann., State Gov't § 10-226(c)(2) (2009 Repl.) and COMAR 10.34.01.12.

⁴ Maryland Judiciary Case Search provides Internet access to information from Maryland case records as described in the Maryland Rules on Access to Court Records (Rules 16-1001 through 16-1011).

ORDER

It is this 2nd day of April, 2013, by a majority of the Board considering this matter:

ORDERED that pursuant to the authority vested by Md. Code Ann., State Gov't §10-226(c)(2), the Respondent's registration to practice as a pharmacy technician in the State of Maryland is hereby **SUMMARILY SUSPENDED**; and it is further

ORDERED that upon the Board's timely receipt of a written request for a post-deprivation hearing, a non-evidentiary Show Cause Hearing will be scheduled within a reasonable time of said request, at which the Respondent will be provided an opportunity to be heard as to why the Board should not continue the summary suspension of her registration; and it is further

ORDERED that a request for a post-deprivation show cause hearing must be made in writing **WITHIN THIRTY (30) DAYS** of service of this Order. The written request should be made to: LaVerne G. Naesea, Executive Director, Maryland State Board of Pharmacy, 4201 Patterson Avenue, Baltimore, Maryland 21215, with copies mailed to: Christopher Anderson, Staff Attorney, Administrative Prosecutor, Health Occupations Prosecution and Litigation Division, Office of the Attorney General, 300 West Preston Street, Suite 201, Baltimore, Maryland 21201, and Linda Bethman, Assistant Attorney General, Board Counsel, Office of the Attorney General, 300 West Preston Street, Suite 302, Baltimore, Maryland 21201; and it is further

ORDERED that if the Respondent fails to make a timely request for a post-deprivation show cause hearing in writing, the Respondent's registration will remain suspended; and it is further

ORDERED that at the conclusion of the post-deprivation show cause hearing before the Board, the Respondent, if dissatisfied with the result of the hearing, may make a written request for an evidentiary hearing, at which time the Board shall schedule an evidentiary hearing and conduct such hearing in accordance with the Administrative Procedure Act, Md. Code Ann., State Gov't § 10-201 *et seq.* (Repl. Vol. 2009); and it is further

ORDERED that on presentation of this Order, the Respondent **SHALL SURRENDER** to the Board her original Maryland pharmacy technician registration T09415, and any wallet card or wall certificate; and it is further

ORDERED that this is a Final Order of the Board, and as such, is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., State Gov't, § 10-611 *et seq.* (2009 Repl. Vol.).



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