

IN THE MATTER OF	*	BEFORE THE STATE
ROSALIND E. STEWART	*	BOARD OF
RESPONDENT	*	PHARMACY
REGISTRATION NO.: T04347	*	CASE NUMBER: PT-11-015

\* \* \* \* \*

**FINAL ORDER OF REVOCATION**

The State Board of Pharmacy (“the Board”) notified Rosalind E. Stewart, Registration Number: T04347 (the “Respondent”), of the Board’s intent to revoke her registration to practice as a pharmacy technician under the Maryland Pharmacy Act (the “Act”), Md. Health Occ. Code Ann. (“H.O.”) §§ 12-101*et seq.* (2009 Repl. Vol.). The pertinent provisions state:

**H. O. §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;
  
- (7) Willfully makes or files a false report or record as part of the registered pharmacy technician’s duties or employment;
  
- (16) Unless an authorized prescriber authorizes the refill, refills a prescription for any drug, device, or diagnostic for which a prescription is required;

(22) Pleaded guilty or nolo contendere to, or has been found guilty of, a felony or a crime involving moral turpitude, regardless of whether:

(i) An adjudication of guilt or sentencing or imposition of sentence is withheld; or

(ii) Any appeal or other proceeding is pending regarding the matter;

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

(31) Performs delegated pharmacy acts that are inappropriate based on the registered pharmacy technician's education, training, and experience.

### **FINDINGS OF FACT**

The Board finds that:

1. At all time relevant hereto, the Respondent was registered to practice as a pharmacy technician in the State of Maryland.
2. The Respondent was originally registered in Maryland on or about March 6, 2009.
3. The Respondent's registration expired on April 30, 2010.
4. Pharmacies permitted to operate in Maryland, are required to submit Form DEA 106 to Drug Control, whenever the pharmacy experiences a loss and/or theft of controlled substances.
5. On or about June 18, 2010, the Pharmacy District Manager of Rite Aid ("District Manager") Store Number 7766, located at 12701 Laurel Bowie Road, Laurel Maryland, forwarded a Report of Theft or Loss of Controlled Substances ("Form DEA 106') to the Maryland Division of Drug Control ("Drug Control").

6. On or about July 20, 2010, the Board received a copy of Form DEA 106 from the District Manager.

7. The District Manager indicated on Form DEA 106, that approximately 840 Vicodin tablets were missing from the pharmacy of Rite Aid Store Number 7766.

8. The District Manager also indicated on Form DEA 106 that the Respondent admitted verbally and in a written statement that she had taken Vicodin from the pharmacy of Rite Aid Store Number 7766.

9. In her written statement to Rite Aid investigators, the Respondent admitted that she was addicted to Vicodin.

10. She also admitted that she obtained the Vicodin by using a Vicodin prescription that belonged to a Rite Aid customer.

11. On at least two occasions, the Respondent contacted the customer's physician and requested a refill for Vicodin. When the prescriptions were filled, the Respondent took the refills and used them herself.

12. The Respondent filled and used the customer's prescription for Vicodin on at least seven occasions from November 2009 through May 2010.

13. After discovering the Respondent's theft of the Vicodin, the District Manager reported the Respondent to the police.

14. On or about September 8, 2010, the Respondent was charged in the District Court for Prince Georges County, Maryland with seven (7) counts of obtaining a controlled dangerous substance of Schedule III, to wit: Vicodin, by fraud, deceit, misrepresentation and subterfuge, in violation of Md. Crim. Law art. § 5- 601(a) (2); seven (7) counts of possession of a controlled dangerous substance of scheduled

Schedule III, to wit Vicodin, in violation of Md. Crim. Law art. § 5- 601(a) (1); and one count (1) of theft by scheme, in violation of Md. Crim. Law art. § 5- 704 (a copy of the Application for Charges and the Statement of Charges in *State of Maryland v. Rosalind Everett Stewart*, case number: 1E00443661, are attached hereto and incorporated herein as **Exhibit A**).

15. On or about January 6, 2011, the Respondent pled guilty in the District Court for Prince Georges County, Maryland to one count of theft by scheme, in violation of Md. Crim. Law art. § 5- 704 (a copy of the Defendant Trial Summary in *State of Maryland v. Rosalind Everett Stewart*, case number: 1E00443661 is attached hereto and incorporated herein as **Exhibit B**).

16. Judge Thurman H. Rhodes of the District Court for Prince Georges County found the Respondent guilty of one (1) count of theft by scheme, in violation of Md. Crim. Law art. § 5- 704.

17. Judge Rhodes placed the Respondent on probation for a period of one (1) year and ordered the Respondent to pay restitution in the amount of two hundred and eight dollars (\$208) (a copy of the Defendant Probation/Supervision Summary in *State of Maryland v. Rosalind Everett Stewart*, case number: 1E00443661, is attached hereto and incorporated herein as **Exhibit C**).

18. The Respondent's conduct as set forth above is a violation of H.O. §12-6B-09 (3), (7), (16), (22), (27), and (31).

**CONCLUSIONS OF LAW**

The Board concludes that the Respondent violated H.O. §12-6B-09 (3), (7), (16), (22), (27), and (31).

**ORDER**

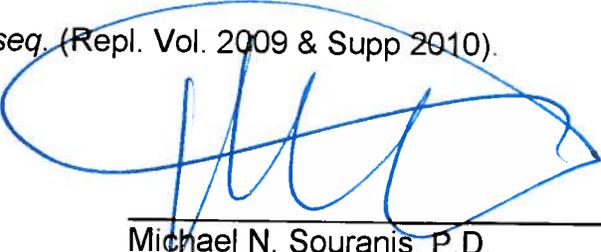
Based on the foregoing Findings of Fact and Conclusions of Law, it is this 18<sup>th</sup> day of July 2012, by a majority of the Board then serving, hereby

**ORDERED** that the Respondent's registration, is hereby **REVOKED**; and it is further

**ORDERED** that for purposes of public disclosure and as permitted by Md. State Govt. Code Ann. §§ 10-601 *et seq.* (Repl. Vol. 2009 & Suppl. 2010), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law, and Order, and is reportable to any entity to whom the Board is obligated to report; and it is further

**ORDERED** that this Order is final and a public document pursuant to Md. State Govt. Code Ann. §§ 10-601 *et seq.* (Repl. Vol. 2009 & Supp 2010).

July 18, 2012  
Date

  
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Michael N. Souranis, P.D.  
President  
State Board of Pharmacy

### **NOTICE OF RIGHT TO APPEAL**

Pursuant to Md. Health Occ. Code Ann. § 3-316 (2009 Repl. Vol.), you have a right to take a direct judicial appeal. A Petition for Judicial Review must be filed within thirty (30) days of your receipt of the Final Order and shall be made as provided for judicial review of a final decision, in the Md. State Govt. Code Ann. §§ 10-201 *et seq.* (2009 Repl. Vol.), and Title 7, Chapter 200 of the Maryland Rules.