

IN THE MATTER OF

* BEFORE THE

PEDRO VILLALOBOS, PHARM TECH

* STATE BOARD

Registration Number: T15438

* OF

Respondent

* PHARMACY

* Case Number: PT-18-009

* * * * *

**FINAL ORDER OF REVOCATION
OF PHARMACY TECHNICIAN'S REGISTRATION**

On April 17, 2019, the State Board of Pharmacy (the "Board"), notified **PEDRO VILLALOBOS, PHARMACY TECHNICIAN** (Pharm Tech), the Respondent, **Registration No. T15438**, of its Intent to Revoke his Pharm Tech registration.

The Notice also informed the Respondent that, unless the Respondent 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 its Act, Md. Code Ann., Health Occupations ("Health Occ."), §§ 12-101 *et seq.* (2014 Repl. Vol. and 2018 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, 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 the State of Maryland. The Respondent was first registered on November 3, 2014. The Respondent's registration expired on June 30, 2018.

2. At all times relevant hereto, the Respondent was employed as a Pharm Tech at a pharmacy (the "Pharmacy") within a National chain in Silver Spring, Montgomery County, Maryland.¹

¹The names of facilities and individuals are confidential.

3. By a letter dated June 1, 2017, the Pharmacy reported to the Board that there had been a loss or theft due to employee pilferage, and, that during an interview, an employee admitted to taking Alprazolam², 2 mg tablets.

4. Subsequently, the Board received the Pharmacy's investigative report which reported the following, *inter alia*:

- A. On April 17, 2017, the Pharmacy's Regional Loss Prevention Manager (RLPM) received notification of a discrepancy regarding Alprazolam at one of its stores. The Pharmacy's Manager was asked to complete a loss prevention initial count which then showed a loss of 1,347 pills;
- B. On May 31, 2017, the RLPM and the Pharmacy Supervisor interviewed the Respondent who admitted taking the drugs from two locations, beginning in 2015 until May 2017. He stated that he would remove the drugs through boxes that would be thrown away and then place the pills in his pocket. The Respondent stated he removed stock bottles in this manner as well;
- C. The Respondent also admitted to taking the following drugs: Tylenol ##3 and 4³; Xanax⁴, 2 mg; Ventolin⁵; and Synthroid⁶;

² Alprazolam is a benzodiazepine used to treat anxiety and panic attacks.

³ Tylenol #3 has 30 mg. of codeine; #4 has 60 mg. of codeine. Tylenol ## 3 and 4 contain codeine which is an opiate used to treat mild to moderate pain. Acetaminophen, the generic name of Tylenol, is a pain reliever and fever reducer used to treat many conditions such as headaches, muscle aches, arthritis, toothaches, back aches and fevers.

⁴ Xanax is the trade name for Alprazolam which is used to treat anxiety and panic disorders.

⁵ Ventolin HFA (albuterol) is used to treat or prevent breathing problems in patients who have asthma or certain other airway diseases

⁶ Synthroid is a thyroid hormone. This medicine can improve symptoms of thyroid deficiency such as slow speech, lack of energy, weight gain, hair loss, dry skin, and feeling cold. It also helps to treat goiter. It is also used to treat

- D. The total amount of the loss was \$860.15. On May 31, 2017, the Respondent signed a Promissory Note to pay back that amount to the Pharmacy;
- E. After the Pharmacy completed its interview, the police were called, and the police officer questioned the Respondent at the store. During her questioning, she asked to review texts on his phone, whereupon the Respondent admitted to an additional five drugs stolen: Z-pack⁷; birth control; Vicodin 5/325⁸; Valium⁹; and Promethazine¹⁰;
- F. The Respondent claimed that he used some of the drugs he stole;
- G. The Respondent's employment was terminated on that date.

5. The Respondent advised the police officers that he had some of the stolen drugs at this home inside a gray coat in a closet in his bedroom. The home owner gave the police officers written consent to go into the Respondent's room and collect anything of evidentiary value regarding the thefts from the Pharmacy. The officers collected the following items from three separate coats in the Respondent's closet:

some kinds of thyroid cancer along with surgery and other medicines.

⁷ Common Brand Names: Zithromax Z-Pak and Zithromax Azithromycin is an antibiotic useful for the treatment of a number of bacterial infections. This includes middle ear infections, strep throat, pneumonia, traveler's diarrhea, and certain other intestinal infections. It may also be used for a number of sexually transmitted infections including chlamydia and gonorrhea infections. Along with other medications, it may also be used for malaria.

⁸ Vicodin contains a combination of acetaminophen and hydrocodone. Hydrocodone is an opioid pain medication. An opioid is sometimes called a narcotic. Acetaminophen is a less potent pain reliever that increases the effects of hydrocodone. Vicodin tablets are used for the relief of moderate to moderately severe pain. In this combination, the Hydrocodone is 5 mg and the acetaminophen is 325mg.

⁹ Valium is a benzodiazepine used to treat anxiety and nervousness. It also can help treat alcohol withdrawal, relax muscles, and treat certain types of seizures.

¹⁰ Promethazine is an antihistamine used to treat allergic reactions and to treat or prevent nausea and vomiting from illness or motion sickness. It is also used to make one sleep before surgery, and to help treat pain or nausea after surgery

20 green round tablets with Mylan 477¹¹ inscribed in an open bottle;

50 white rectangular bars inscribed GG249¹²;

1 empty prescription bottle;

23 round tablets inscribed 4/93350¹³;

Suspected Acetaminophen CIII tablets in an unopened bottle;

32 white round tablets inscribed AN521¹⁴;

72 white oval shaped tablets inscribed 58/TV¹⁵;

6 Azithromycin¹⁶ tablets, 250 mg, in a sealed package.

6. On or about August 9, 2017, the Board received a Drug Enforcement Administration (DEA) form from the Pharmacy which indicated that the Respondent had admitted stealing 30 Acetaminophen-Codeine #3 tablets, 150 Acetaminophen-Codeine #4 and approximately 6-8 stock bottles of Alprazolam 2 mg from two stores within the chain. The Report further indicated that the Respondent was terminated from employment and arrested. The Pharmacy indicated that further losses were found for “this and other medications” and “we suspect that the employee is responsible for the additional medication lost.” The loss was listed as \$2,975.

¹¹ Green, round pills with imprint MYLAN 477 have been identified as Diazepam 10 mg. Diazepam is used in the treatment of anxiety; muscle spasm; alcohol withdrawal; borderline personality disorder; endoscopy or radiology premedication and belongs to the drug class benzodiazepine anticonvulsants. Diazepam 10 mg is classified as a Schedule 4 controlled substance under the Controlled Substance Act (CSA).

¹² A white, rectangular pill with the imprint GG 249 has been identified as Alprazolam 2 mg.

¹³ A white, round pill with the imprint 93 350 on one side and 4 on the other has been identified as Acetaminophen and codeine phosphate 300 mg/60 mg. Acetaminophen/codeine is used in the treatment of pain and osteoarthritis and belongs to the drug class narcotic analgesic combinations.

¹⁴ A white, round pill with the imprint AN 521 has been identified as Promethazine hydrochloride 25 mg.

¹⁵ A pill with the imprint of TV on one side and 58 on the other has been identified as Tramadol hydrochloride, which is a pain reliever used to treat moderate to severe pain in adults.

¹⁶ Azithromycin is an antibiotic that fights bacteria. Azithromycin is used to treat many different types of infections

7. The DEA report submitted by the Pharmacy is as follows:

Acetaminophen-Cod #4	300-60 mg	1478 tablets
Alprazolam	2 mg	10 tablets
Diazepam	10 mg	909 tablets
Zolpidem Tartrate ¹⁷	10 mg	5 tablets
Alprazolam	2 mg	1285 tablets
Zolpidem Tartrate	10 mg	211 tablets
Alprazolam	2 mg	51 tablets
Acetaminophen-Cod #3	300-30 mg	28 tablets
Xanax	2 mg	14 tablets
Ambien ¹⁸	10 mg	3 tablets
Vicodin	5-300 mg	65 tablets
Acetaminophen-Cod #3	300-30 mg	30 tablets
Acetaminophen-Cod #4	300-60 mg	441 tablets
Alprazolam	2 mg	165 tablets
Zolpidem Tartrate	10 mg	180 tablets
Tylenol with Codeine #3	300-30 mg	12 tablets
Alprazolam	2 mg	1 tablet
Hydrocodone-Acetaminophen	7.5-300 mg	1 tablet.

caused by bacteria, such as respiratory infections, skin infections, ear infections, and sexually transmitted diseases.

¹⁷ Zolpidem tartrate tablets are indicated for the short-term treatment of insomnia characterized by difficulties with sleep initiation.

¹⁸ Ambien (zolpidem) is a sedative used for the short-term treatment of insomnia by helping one fall asleep.

8. In connection with the theft of drugs from his employer, the Respondent was criminally charged in the District Court for Montgomery County with 12 counts from CDS possession with intent to distribute to prescription/false labeling.¹⁹

9. As a result of the above thefts, on March 23, 2018, the Board issued an Order for Summary Suspension of the Respondent's registration. The Respondent failed to request a hearing and/or contest the Findings.

10. As set forth above, by diverting drugs from his pharmacy employer, the Respondent is in violation of Health Occ. §12-6B-09 (3) (Fraudulently uses a pharmacy technician's registration.); §12-6B-09 (27) (Participates in any activity that is grounds for Board action under § 12-313); namely, § 12-313 (b) (25) (Violates any rule or regulation adopted by the Board.); and, COMAR § 10.34.10 01 (Patient Safety and Welfare. B. A pharmacist may not :(3) Engage in unprofessional conduct.)

11. 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).

¹⁹ On June 21, 2018, all of the counts were either nolle prossed or stotted. *Nolle prosequi* is a Latin phrase meaning "will no longer prosecute" or a variation on the same. It amounts to a dismissal of charges by the prosecution. A case placed on the Stet docket becomes inactive and technically closed in the court system. In this case, the notation was that the case was closed for 12 months, meaning that if the Respondent stayed out of trouble for that long, the case would remain closed.

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 **PEDRO VILLALOBOS**, the Respondent, Registration Number **T15438** be and is **REVOKED**, and that this Order is public, pursuant to Md. Code Ann., General Provisions §§ 4-101 *et seq.* (2014 Vol. and 2018 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 2018 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.

6/19/2019
Date

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