

<b>IN THE MATTER OF</b>	*	<b>BEFORE THE</b>
<b>CALEB WEDDINGTON, PHARM TECH</b>	*	<b>STATE BOARD OF</b>
<b>Registration No.: T19852,</b>	*	<b>PHARMACY</b>
<b>Respondent</b>	*	<b>Case No. 18-149</b>
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**FINAL ORDER**

On September 19, 2018, the State Board of Pharmacy (the “Board”) notified **CALEB WEDDINGTON**, Pharmacy Technician (Pharm Tech), the Respondent herein, **Registration No.: T19852**, of the Board’s intent to **REVOKE** his Pharm Tech registration, pursuant to the Maryland Pharmacy Act (the “Act”), Md. Code Ann., Health Occupations (“Health Occ.”) §§ 12-101 *et seq.* (2014 Repl. Vol. and 2017 Supp.).

**STATUTORY AND REGULATORY AUTHORITY**

The relevant provisions are as follows:

**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;
- (25) Violates any regulation adopted by the Board; and
- (27) Participates in any activity that is grounds for Board action under § 12-313 or § 12-409 of this title [.]

The underlying grounds for Board action under § 12-6B-09 (25) is:

**Code Md. Regs. ("COMAR") § 10.34.10:**

.01 Patient Safety and Welfare.

B. A pharmacist may not:

(3) Engage in unprofessional conduct.

The underlying grounds for Board action under § 12-6B-09 (27) is:

Health Occ. § 12-313 (15), which prohibits a pharmacist from “Dispens[ing] any drug, device, or diagnostic for which a prescription is required without a written oral, or electronically transmitted prescription from an authorized provider.”

**FINDINGS OF FACT**

The Board makes the following Findings of Fact:

1. At all times relevant hereto, the Respondent was registered to practice as a Pharm Tech in Maryland. The Respondent was initially registered to practice as a Pharm Tech on July 19, 2017. The Respondent's registration expires on September 30, 2018.

2. At all times relevant hereto, the Respondent was employed as a Pharm Tech at a national chain, in Montgomery, County, Maryland, hereinafter “the Pharmacy.”<sup>1</sup>

3. On or about June 28, 2018, the Board issued an Order summarily suspending the Respondent’s registration to practice as a Pharm Tech, based on a report from the pharmacy that the Respondent admitted to stealing drugs from the pharmacy.

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<sup>1</sup> For confidentially purposes, the names of pharmacies and all individuals referenced herein will not be identified in this document, but this information will be provided to the Respondent upon request by the Administrative Prosecutor.

4. The Order of Summary Suspension informed the Respondent that he had thirty days to request a Show Cause hearing before the Board to show cause why the Order of Summary Suspension should not continue. To date the Board has not received a request for a Show Cause hearing.

5. The Board initiated an investigation after receiving a copy, on or about January 22, 2018, of “Form DEA-106, “REPORT OF THEFT OR LOSS OF CONTROLLED SUBSTANCES,” from the Pharmacy. The report noted that the loss was due to employee pilferage.

6. The District Manager for Loss Prevention and Asset Protection, hereinafter “Witness A” investigated this matter for the Pharmacy. According to Witness A, the dates of the drug losses were consistent with the Respondent’s work schedule and CCTV surveillance footage showed the Respondent moving medications matching the types that were lost or stolen.

7. The controlled substances reported missing by the Pharmacy, included but were not limited to:

- a. Triazolam<sup>2</sup>
- b. Oxycontin<sup>3</sup>
- c. Carisoprodol<sup>4</sup>
- d. Alprazolam<sup>5</sup>

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<sup>2</sup> Triazolam is in a class of drugs known as benzodiazepines, which slow the functioning of the central nervous system and provide a tranquilizing effect. Triazolam is used to treat anxiety and sleep disorders.

<sup>3</sup> Oxycontin is a schedule II narcotic pain medication.

<sup>4</sup> Carisoprodol (Soma) is a muscle relaxant used to treat muscle pain.

<sup>5</sup> Alprazolam (Xanax) is a benzodiazepine used to treat anxiety.

- e. Estazolam<sup>6</sup>
- f. Clonazepam<sup>7</sup>
- g. Lorazepam<sup>8</sup>
- h. Diazepam<sup>9</sup>
- i. Oxycodone/Apap<sup>10</sup>

8. According to Witness A, the Respondent admitted to taking 150-200 doses of various medications, including controlled substances, valued at \$280.60.

9. In a written statement the Respondent admitted that he stole medications from the Pharmacy to alleviate the stress he was experiencing due to the death of a family member and other personal problems.

10. The Respondent stated:

I was experiencing unprecedented levels of stress associated with aforementioned factors, ...Again, the unethical nature of the activities [thefts] was apparent, But I sincerely associate my actions with these events, and have slowly re-equilibrated with the gravity of the situation. Nonetheless, I did in fact take what I estimate to be between 150-200 medications/pills/tablets etc.

11. The Respondent also stated in his written statement that he was willing to reimburse the pharmacy for the financial loss caused by the thefts.

12. Witness A stated that he issued a request for criminal charges to be filed against the Respondent. The Respondent was charged with "THEFT: \$100 TO UNDER 1,500."

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<sup>6</sup> Estazolam is a benzodiazepine used to treat sleep disorders.

<sup>7</sup> Clonazepam (Klonopin) is a benzodiazepine used to treat seizure disorders.

<sup>8</sup> Lorazepam is a benzodiazepine used to treat anxiety and sleep disorders.

<sup>9</sup> Diazepam is a benzodiazepine used to treat anxiety and sleep disorders.

<sup>10</sup> Oxycodone/Apap is a Schedule II narcotic pain medication containing oxycodone and acetaminophen.

The case was scheduled for a disposition on March 19, 2018. According to electronic court records, the Complainant failed to appear for a mandatory screening conference, and the State's Attorney's Office did not go forward with the charges.

### CONCLUSIONS OF LAW

The Respondent's theft of CDS from his pharmacy employer as described herein violates:

Health Occ. § 12-6B-09:

- (3) Fraudulently uses a pharmacy technician's registration;
- (25) Violates any regulation adopted by the Board; and
- (27) Participates in any activity that is grounds for Board action under § 12-313 or § 12-409 of this title [.]

### ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 21 day of November, 2018, by a majority of the quorum of the Board considering this case hereby:


**ORDERED** that effective the date of this Consent Order, the Respondent's Pharm Tech Registration, **Registration No.: T19852**, to practice as a Pharm Tech in the State of Maryland is hereby **REVOKED**;

**ORDERED** that the Respondent shall return to the Board all Board Registration documents identifying him as a registered Pharm Tech; and

**ORDERED** that this Consent Order is a **PUBLIC DOCUMENT** pursuant to Md.

General Provisions §§ 4-104 *et seq.* (2014).

11/21/18  
\_\_\_\_\_  
Date

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