

IN THE MATTER OF	*	BEFORE THE MARYLAND
KRISTIN GUINN,	*	STATE BOARD OF
PHARMACY TECHNICIAN	*	PHARMACY
Registration No.: T21639	*	Case No. 20-020
Respondent	*	

* * * * *

ORDER FOR SUMMARY SUSPENSION

Pursuant to Md. Code Ann., State Gov't. §10-226 (c) (2) (2014 Repl. Vol. & 2018 Supp.), the State Board of Pharmacy (the "Board") hereby suspends the registration to practice as a pharmacy technician in Maryland issued to **KRISTIN GUINN, Pharmacy Technician** (the "Respondent"), under the Maryland Pharmacy Act (the "Act"), Md. Code Ann., Health Occ. §§ 12-101 *et seq.* (2014 Repl. Vol. & 2018 Supp.). This Order is based on the following investigative findings, which the Board has reason to believe are true:

INVESTIGATIVE FINDINGS¹

1. At all times relevant hereto, the Respondent was registered to practice as a pharmacy technician in Maryland. The Respondent was first registered on October 9, 2018, and Respondent's registration expires on February 29, 2020.

¹ The allegations set forth in this notice are intended to provide the Respondent with notice of the Board's action. 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 action.

2. At all times relevant hereto, the Respondent was employed as a pharmacy technician at a national chain pharmacy, in Allegany County, Maryland, hereinafter “the Pharmacy.”²

3. On or about June 21, 2019, the Board received an “Initial Notification of Controlled Substance Theft or Potentially Significant Loss” (the “Notice”) from the Pharmacy. The Notice advised that the Pharmacy would investigate and notify the Board of the outcome of the investigation.

4. According to the Notice, the following controlled substances were identified as missing due to employee theft:

- a. Alprazolam³ 0.5 mg tablet
- b. Alprazolam 0.25 mg tablet
- c. Alprazolam 1 mg tablet
- d. Lorazepam⁴ 1 mg tablet
- e. Clonazepam⁵ 1 mg tablet

5. Subsequently, the Pharmacy identified the Respondent as the employee responsible for the theft of controlled substances identified in paragraph 4 above.

6. After receiving the Notice the Board opened an investigation.

² For confidentially purposes, the names of pharmacies and all individuals referenced herein will not be identified in this document, but the Respondent or counsel may request this information from the Administrative Prosecutor.

³ Alprazolam (Xanax) is a benzodiazepine, which affects chemicals in the brain that may be unbalanced in people with anxiety disorder. Alprazolam is used to treat anxiety disorders, panic disorders, and anxiety caused by depression.

⁴ Lorazepam is a benzodiazepine used to treat anxiety and other psychiatric disorders.

⁵ Clonazepam (Klonopin) is an anticonvulsant used to treat and control seizures and panic disorder.

7. On or about July 24, 2019, the Board issued a subpoena and requested that the Pharmacy provide the Respondent's employment file, termination report, interviews, written statements, surveillance videos and/or photographs, police report, and DEA Form 106.⁶

8. In response to its subpoena the Board received a copy of the Pharmacy's investigative report and the Respondent's statement admitting to the theft of drugs from the Pharmacy.

9. According to the report received from the Pharmacy Loss Prevention Manager, ("Witness A"), a pharmacy employee reported to a supervisor that on or about May 29, 2019, the employee observed the Respondent putting something in the pocket of her scrubs.

10. According to Witness A, Witness A and pharmacy staff reviewed the Pharmacy dispensing records and conducted loss prevention drug counts and discovered that there were documented losses during the shifts the Respondent worked at the Pharmacy.

11. On or about June 20, 2019, Witness A interviewed the Respondent about the missing drugs and the Respondent admitted that she stole medication from the Pharmacy.

12. In a hand-written Statement dated June 20, 2019, the Respondent stated she stole drugs from the pharmacy for her own use.

⁶ The Board did not receive a copy of DEA form 106 from the Pharmacy.

13. The Respondent admitted in her statement that she stole the following drugs at an estimated loss to the Pharmacy of \$417.54.:

- a. Alprazolam .25 mg tablet (75)
- b. Alprazolam 0.5 mg tablet (300)
- c. Alprazolam 1 mg tablet (150)
- d. Lorazepam 1 mg tablet (75)
- e. Clonazepam 1 mg tablet (10)
- f. Sertraline⁷ 1mg (10)

14. The Respondent admitted that she was stealing drugs for personal use. She stated: “I became addicted to the drugs and couldn’t stop myself from taking them.”

15. The Respondent agreed to reimburse the pharmacy for the loss incurred from the theft of the stolen drugs and signed a Promissory Note to repay the Pharmacy in the amount of \$417.54.

16. Pharmacy staff reported the thefts to the Maryland State Police.

17. The Respondent was charged in Allegany District Court with “THEFT: \$100 TO UNDER 1,500” and 4 counts of CDS: POSSESS-NOT-MARIJUANA.”

18. The case was transferred to Allegany Circuit Court and a trial is scheduled for November 15, 2019.

⁷ Sertraline (Zoloft) is an antidepressant in a class of drugs called Selective Serotonin Reuptake Inhibitors (SSRIs). Sertraline is a medication used to treat depression.

19. The Respondent's theft of CDS from her employer presents a danger to the public health, safety, and welfare, and the summary suspension of the Respondent's license is in the best interest of the public.

CONCLUSIONS OF LAW

Based on the foregoing, the Board finds that the public health, safety or welfare imperatively requires emergency action, pursuant to Md. Code Ann., State Gov't §10-226(c)(2) (2014 Repl. Vol. & 2018 Supp).

ORDER

Based on the foregoing, it is therefore this 9th day of September, 2019, by a majority vote of a quorum of the State Board of Pharmacy, by authority granted to the Board by Md. Code Ann., State Gov't §10-226(c)(2) (2014 Repl. Vol. & 2018 Supp.), the registration held by the Respondent to practice as a pharmacy technician in Maryland, Registration No. T21639 is hereby **SUMMARILY SUSPENDED**; and be it further


ORDERED that the Respondent shall immediately return all registrations and licenses to the Board; and it is further

ORDERED that the Respondent has the opportunity to appear before the Board for a post-deprivation show cause hearing. A request for a post-deprivation show cause hearing must be in writing and be made **WITHIN THIRTY (30) DAYS** of receipt of this order; and it is further

ORDERED that if the Respondent does not submit a timely written request to the Board for a post-deprivation show cause hearing, or if the Respondent requests a post-deprivation show cause hearing but fails to appear when scheduled, the investigative

findings contained in this Order shall stand and the Respondent's pharmacy technician registration will remain **SUSPENDED** absent any further action by the Board; and be it further

ORDERED that this is a **PUBLIC DOCUMENT** pursuant to the Maryland Public Information Act., Md. Code Ann., Gen. Prov. §§ 4-101 – 4-601 (2014 & 2018 Supp.).



Deena Speights-Napata, Executive Director
Board of Pharmacy