

IN THE MATTER OF

CHRISTINA M PINDELL, PHARM TECH

Respondent

Registration No.: T11450

*** BEFORE THE**
*** MARYLAND BOARD**
*** OF PHARMACY**
*** Case No.: 18-181**

* * * * *

ORDER FOR SUMMARY SUSPENSION

Pursuant to Md. Code Ann., State Gov't II §§ 10-226(c)(2) (2014 Repl. Vol. and 2017 Supp.), the Maryland Board of Pharmacy (the "Board") hereby summarily suspends the registration to practice as a Pharmacy Technician ("Pharm Tech") in Maryland issued to **Christina M. Pindell** (the "Respondent"), under the Maryland Pharmacy Act (the "Act"), Md. Code Ann., Health Occupations ("Health Occ"), §§ 12-101 *et seq.* (2014 Repl. Vol. and 2017 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 Pharm Tech in the State of Maryland. The Respondent was first registered as a Pharm Tech in Maryland on or about September 6, 2012. The Respondent's registration expires on April 30, 2020.
2. At all times relevant hereto, the Respondent was employed as a Pharm Tech at a national chain pharmacy (the "Pharmacy")². The Respondent was assigned to work at two (2) of the Pharmacy's locations: Location 1 in Temple Hills, Maryland and Location 2 in Upper Marlboro, Maryland.

¹ The statements regarding the Respondent's conduct are only intended to provide the Respondent with notice of the basis for 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 this matter.

² For confidentiality and privacy purposes, the names of individuals and facilities involved in this case are not disclosed in this document. Upon written request, the Administrative Prosecutor will provide the information to the Respondent.

Location 1

3. On or about January 3, 2018, the Board received an Initial Notification of Controlled Substance Theft or Potentially Significant Loss (“Notice 1”) from Pharmacy’s Location 1. The Notice stated that on January 2, 2018, “[s]uspected fraudulent prescriptions for Promethazine with Codeine³ [were] dispensed from the pharmacy.”
4. By correspondence dated January 30, 2018, the Board received a DEA (Drug Enforcement Agency) -106 – Report of Theft or Loss of Controlled Substances (“Report 1”) from Pharmacy related to the loss referenced in Notice 1. Report 1 indicated that the loss was due to “Employee Pilferage.”
5. Report 1 listed the controlled substances that were lost/stolen as:

| Trade Name | Dosage Str. | Quality Lost/Stolen |
|-------------------------------|---------------------|----------------------------|
| Promethazine VC-Codeine Syrup | 5mg-10mg-6.25mg/5ml | 142ml |
| Promethazine-Codeine Syrup | 10mg-6.25mg/5ml | 5,760ml |

6. Report 1 noted that the value of the lost controlled substances was \$705.00.

Location 2

7. On or about February 13, 2018, the Board received an Initial Notification of Controlled Substance Theft or Potentially Significant Loss (“Notice 2”) from Pharmacy’s Location 2. The Notice stated that on February 12, 2018, “[a]n employee knowingly accepted and filled a fraudulent prescription for promethazine with codeine at this location.”
8. By correspondence dated February 21, 2018, the Board received a DEA-106 – Report of Theft or Loss of Controlled Substances (“Report 2”) from Pharmacy related to the loss referenced in Notice 2. Report 2 indicated that the loss was due to “Employee Pilferage.”

³ Promethazine with Codeine is a Schedule V narcotic used as a pain reliever and a cough suppressant.

9. Report 2 listed the controlled substances that were lost/stolen as:

| Trade Name | Dosage Str. | Quantity Lost/Stolen |
|----------------------------|-----------------|----------------------|
| Promethazine-Codeine Syrup | 10mg-6.25mg/5ml | 240ml |

10. Report 2 noted that the value of the lost controlled substances was \$28.00.

Pharmacy Internal Investigation

11. On or about February 28, 2018, the Board received a copy of the Respondent’s admission statement (“Statement”).

12. According to the Statement, on January 3, 2018, the Respondent was interviewed by a Pharmacy Loss Prevention Manager (“Manager”). The Respondent provided the following responses:

Q. During your employment with [Pharmacy] have you caused losses to the company and if so how did you create the loss[?]

A. Yes, someone that I knew was providing fake prescriptions. I would fill them and provide them to him.

Q. When was the first time you created a loss to [Pharmacy] and how did you create the loss?

A. August 2017, I would tell him to come through the drive thru and take prescriptions from him. I processed [the] prescriptions. When [the] prescriptions were ready, I would tell him. Once at pick up I [would] take ID and enter a false ID number.

Q. When was the last time you caused this type of loss?

A. November 2017

Q. Where did you conduct this activity that created loss to [Pharmacy]?

A. [Location 2], [Location 1]

Q. Please list the type of medication the fraudulent scripts were for?

A. [P]romethazine with codeine and azithromycin⁴

⁴ Axithromycin is not a controlled substance. It is an antibiotic used to treat bacterial infections.

- Q. Who was the provider on the fraudulent scripts?
- A. [Accomplice] was the person providing [the] prescriptions. I do not know the doctor.
- Q. Please specify your arrangement with [Accomplice] for processing and providing the medication listed here?
- A. He would call to ask if I was working. Then he would come to [Pharmacy] through the drive thru. I'd take prescriptions from him and let him know when they were ready. We would meet later so he could give me money for processing the prescriptions. He would give me \$50 for promethazine w/ codeine and azithromycin each time.
- ...
- Q. Can you clarify the amount and strength of the medication given?
- A. [A]zithromycin 250mg[,] promethazine w/ codeine 240ml (8oz)[.]
- Q. What is the total loss you have caused [Pharmacy]?
- A. [\$]1,257.60
- Q. How did you arrive at this figure?
- A. [C]ash price for azithromycin 250mg [\$]34.40 cash price promethazine w/ codeine is \$28.39. 20 prescriptions processed = \$1,257.60
- Q. Why did you create these losses to [Pharmacy]?
- A. Started a new job and was not making ends meet. I was in trouble financially at the time of this loss.
- ...
- Q. Did you know this was wrong and against company policy or against the law?
- A. yes
- ...
- Q. Do you have anything else to add?
- A. Yes, I know what I was doing was wrong and I've never been in a situation like this out of the 6 years that I have worked for [Pharmacy]. I was in trouble with money and even though it was not much, it helped. I knew that eventually I would get caught. Everything that I have said in this interview is the truth. And if I could take all of this back I would.

13. On January 4, 2018, Pharmacy terminated the Respondent's employment.

14. Based on the information provided to the Board by Pharmacy, the Board has reason to believe that the Respondent diverted multiple medications over an extended time span.

CONCLUSIONS OF LAW

Based on the foregoing investigative findings, the Board concludes as a matter of law that the public health, safety, and welfare imperatively require emergency action in this case, pursuant to Md. Code Ann., State Gov't II § 10-226(c)(2) (2014 Repl. Vol. and 2017 Supp.).

ORDER

Based on the foregoing Investigative Findings and Conclusions of Law, it is this 28 day of August 2018, by a majority of the quorum of the Board, hereby

ORDERED that pursuant to the authority vested in the Board by Md. Code Ann., State Gov't II § 10-226(c)(2) (2014 Repl. Vol. and 2017 Supp.), the Respondent's registration to practice as a Pharmacy Technician in the State of Maryland under registration number T11450 is hereby **SUMMARILY SUSPENDED**; and it is further

ORDERED that the Respondent is prohibited from practicing as a Pharmacy Technician in the State of Maryland; and it is further

ORDERED that the Respondent shall immediately return all copies of her registration 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**; and it is further

ORDERED that if the Respondent fails to request a post-deprivation show cause hearing in writing in a timely manner, or if the Respondent requests a post-deprivation show cause

hearing but fails to appear when scheduled, the Respondent's license will remain **SUSPENDED**;
and it is further

ORDERED that this **ORDER FOR SUMMARY SUSPENSION** is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2014 Repl. Vol. and 2017 Supp.).

8-28-18
Date


Deena Speights-Napata, Executive Director,
for
Mitra Gavgani, Pharm.D.
President
Maryland Board of Pharmacy