

IN THE MATTER OF	*	BEFORE THE
KIERSTIN POWERS-HARVEY	*	STATE BOARD
PHARMACY TECHNICIAN	*	OF
Registration No.: T16432	*	PHARMACY
Respondent	*	Case No. PT-16-016

* * * * *

ORDER FOR SUMMARY SUSPENSION

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

INVESTIGATIVE FINDINGS

1. At all times relevant hereto, the Respondent was registered to practice as a Pharmacy Technician in Maryland. The Respondent was first registered on May 18, 2015. The Respondent's registration expires on June 30, 2016.
2. At all times relevant hereto, the Respondent was employed as a Pharmacy Technician at a pharmacy within a chain grocery store in Frederick County, Maryland, hereinafter "Pharmacy A."
3. On or about October 26, 2015, the Board received notice from Pharmacy A that the Respondent had pilfered controlled dangerous substances (CDS) from Pharmacy A, that a police report had been filed with the Frederick City Police

Department, and that the Respondent had been terminated from employment with Pharmacy A.

4. Pharmacy's A's investigation disclosed the following:
 - A. Pharmacy A's Asset Protection Manager conducted a phone interview of the Respondent, who was a part-time Pharm Tech floater for Pharmacy A in Frederick County;
 - B. The Respondent was suspected of being involved in the shortages of Oxycodone¹, 30mg, at two of the stores where she worked;
 - C. On Friday, October 9, 2015, 70 tablets of Clonazepam² were missing from Pharmacy A, but the theft was not caught on camera;
 - D. On October 12, 2015, the Asset Protection Manager received a phone call from a pharmacy manager at the store where the Respondent was working stating that the Respondent was "seemingly under the influence of drugs and not presenting as her normal self". The Respondent was brought to the manager's office for a phone interview;
 - E. During the phone interview, the Respondent admitted to the theft of Clonazepam that day as well as thefts of Amphetamine³, 20 mg, Oxycodone, 30 mg, and Xanax⁴;

¹ Oxycodone is a narcotic used to treat moderate to severe pain.

² Clonazepam, is a medication used to prevent and treat seizures, panic disorder, and for the movement disorder known as akathisia. It is a tranquilizer of the benzodiazepine class.

³ Amphetamine is a potent central nervous system stimulant that is used in the treatment of attention deficit hyperactivity disorder, narcolepsy, and obesity

⁴ Xanax is used to treat anxiety disorders, panic disorders, and anxiety caused by depression.

- F. The Pharmacy A store manager was able to recover some of the drugs from the Respondent who had concealed them in a baggie that she had hidden in her undergarments;
- G. The Respondent also admitted to theft of drugs in other locations of Pharmacy A: namely, Carisoprodol (Soma)⁵, Clonazepam and Xanax⁶.
- H. The Respondent admitted that the drugs and syringes were for her personal use but that she was going to give some of the syringes to her friends who used intravenous drugs so they did not have to use dirty needles;
- I. At the conclusion of the interview, the Respondent was placed under arrest by an officer of the Frederick City Police Department where she was processed and released.

5. As required, Pharmacy A submitted a Drug Enforcement Administration (DEA) "Report of Theft or Loss of Controlled Substances" which listed the following:

A. Location #1;

- | | |
|--|------------|
| (1) Hydrocodone-Acetaminophen ⁷ -10-325, mg | 3 tablets; |
| (2) Oxycodone-Acetaminophen ⁸ , 5 mg-325 mg | 1 tablet; |
| (3) Oxycodone HCL, ⁹ 30 mg | 6 tablets; |
| (4) Oxycodone-Acetaminophen, 10-325 mg | 1 tablet; |

⁵ Carisoprodol is a muscle relaxer that works by blocking pain sensations between the nerves and the brain.

⁶ Xanax treats anxiety and panic disorder.

⁷ This combination medication is used to relieve moderate to severe pain. It contains a narcotic pain reliever (hydrocodone) and a non-narcotic pain reliever (acetaminophen). Hydrocodone works in the brain to change how the body feels and responds to pain. Acetaminophen can also reduce a fever. In this combination, the hydrocodone is 10 mg and the acetaminophen is 325 mg.

⁸ In this combination, there are 5 mg of Oxycodone and 325 mg of Acetaminophen.

⁹ Oxycodone hydrochloride tablets USP is an opioid analgesic indicated for the management of moderate to severe pain when a continuous, around-the-clock analgesic is needed for an extended period of time.

- (5) Oxycodone HCl, 5 mg 2 tablets;
- (6) Endocet¹⁰, 5-325 mg 1 tablet;

B. Location #2:

- (1) Oxycodone HCL, 15 mg 1 tablet;
- (2) Oxycodone HCL, 30 mg 2 tablets;

C. Location #3:

- (1) Clonazepam, 2 mg 81 tablets;
- (2) Oxycodone HCL, 30 mg 3 tablets;
- (3) Clonazepam, 0.5 mg 39 tablets;
- (4) Clonazepam, 1 mg 50 tablets;
- (5) Amphetamine Salts¹¹, 20 mg 2 tablets;
- (6) Carisoprodol, 350 mg 70 tablets.

6. On February 26, 2016, in connection with the above thefts, the following criminal charges were *nolle prossed* against the Respondent in the Circuit Court for Frederick County:

- Count 1: CDS Poss—Not Marijuana;
- Count 2: CDS Poss-Not Marijuana;
- Count 3: CDS Poss-Not Marijuana;
- Count 5: CDS Poss Admin Equip Poss/Dist.
- Count 6: Theft less than \$100.

¹⁰ Endocet contains a combination of acetaminophen and oxycodone. Oxycodone is an opioid pain medication. Acetaminophen is a less potent pain reliever that increases the effects of oxycodone. Endocet is used to relieve moderate to severe pain.

¹¹ Amphetamine salt combo (amphetamine and Dextroamphetamine salts) is a central nervous system stimulant used to treat attention-deficit hyperactivity disorder (ADHD). It may also be used for narcolepsy. It is available as brand name Adderall.

On that same day, the Respondent pled guilty to and was found guilty of Count 4: CDS Posses-Not Marijuana. The Respondent received two years supervised Probation.

CONCLUSIONS OF LAW

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

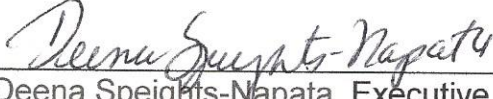
ORDER

Based on the foregoing, it is therefore this 15th day of June, 2016, by a majority vote of a quorum of the State Board of Pharmacy, by authority granted to the Board by Md. St. Govt. Code Ann. §10-226(c) (2) (2014 Repl. Vol. II), the registration held by the Respondent to practice as a Pharmacy Technician in Maryland, Registration No. T16432, is hereby **SUMMARILY SUSPENDED**; and be it further

ORDERED that upon the Board's receipt of a written request from the Respondent, a Show Cause Hearing shall be scheduled within a reasonable time of said request, at which the Respondent will be given an opportunity to be heard as to whether the Summary Suspension should be continued, regarding the Respondent's fitness to practice as a Pharmacy Technician and the danger to the public; and be it further

ORDERED, that the Respondent shall immediately turn over to the Board her wall certificate and wallet-sized registration to practice as a Pharmacy Technician issued by the Board; and be it further

ORDERED, that this document constitutes a final Order of the Board and is, therefore, a public document for purposes of public disclosure, as required by Md. Code Ann. Gen. Prov. §§ 4-101, *pet seq.*



Deena Speights-Napata, Executive Director
Board of Pharmacy

NOTICE OF HEARING

A Show Cause hearing to determine whether the Summary Suspension shall be continued will be held before the Board at 4201 Patterson Avenue, Baltimore, 21215 following a written request by the Respondent for same.