

IN THE MATTER OF	*	BEFORE
JANEAN SHAW	*	THE
PHARM TECH	*	MARYLAND STATE BOARD
Registration Number: T08363	*	OF
Respondent	*	PHARMACY
	*	Case Number: 18-182

* * * * *

ORDER FOR SUMMARY SUSPENSION

Pursuant to Md. Code Ann., State Gov't ("SG") §10-226 (c)(2) (2014 Repl. Vol. and 2017 Supp.), the State Board of Pharmacy (the "Board") hereby suspends the registration to practice as a Pharmacy Technician ("Pharm Tech") in Maryland issued to **JANEAN SHAW** (the "Respondent"), **Registration Number: T08363**, 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 FINDINGS

Based on information received by, and made known to the Board, and the investigatory information obtained by, received by and made known to and available to the Board, including the instances described below, the Board has reason to believe that the following facts are true:¹

¹ The statements regarding the Respondent's conduct are intended to provide the Respondent with notice of the basis of the summary suspension. 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 matter.

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 23, 2010. The Respondent's registration expires on May 31, 2018.

2. At all times relevant hereto, the Respondent was employed as a Pharm Tech at a pharmacy (the "Pharmacy") within a national chain at two locations; one in Clinton, Prince George's County, and the other in Baltimore, Maryland.²

3. By a letter dated January 30, 2018, the Pharmacy reported to the Board that there had been a loss or theft due to employee pilferage, and the Respondent was terminated from employment for committing the thefts.

4. The Pharmacy submitted the required Drug Enforcement Administration (DEA) "Report of Theft or Loss of Controlled Substances" for the Clinton location which indicated the following, *inter alia*:

- A. The Report named the Respondent as the employee responsible for the pilferage;
- B. The value of the controlled substances was \$3,502;
- C. The Employee admitted the drug diversion;
- D. The Pharmacy indicated that all Loss Prevention policy and procedures will be reviewed with the team including diligent inventory management, bag and smock checks, as well as no personal items allowed in the pharmacy; and
- E. The losses listed were Tramadol HCL³ , 50 mg, 9,037 tablets.

² The names of facilities and/or individuals are confidential but may be disclosed to the Respondent by contacting the Administrative Prosecutor.

³ Tramadol Hydrochloride is a pain reliever used to treat moderate to severe pain in adults.

5. By a report dated January 30, 2018, the Pharmacy also notified the Board of theft of controlled substances from its Baltimore City store. It enclosed a DEA report which stated, *inter alia*:

- A. The Report named the Respondent as responsible for the employee pilferage;
- B. It indicated that the value of the controlled substances was \$5, 346;
- C. The Pharmacy indicated that all Loss Prevention policy and procedures would be reviewed as discussed in paragraph 4D above; and,
- D. The pilfered drugs were listed as:

Tramadol HCL, 50 mg	3,507 tablets
Alprazolam ⁴ , 1 mg	940 tablets
Alprazolam, 2 mg	701 tablets

6. The Respondent admitted, orally and in writing, to the thefts and signed a Promissory Note to repay the Pharmacy \$9,000.

7. The Respondent's theft of drugs from her employer is a threat to the public health, safety or welfare.

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., SG §10-226(c) (2) (2014 Repl. Vol. and 2017 Supp.).

⁴ Alprazolam is a benzodiazepine used to treat anxiety and panic attacks.

ORDER

Based on the foregoing, it is therefore this 29th day of May, 2018, by a majority vote of a quorum of the Board, by authority granted to the Board SG §10-226(c) (2), the registration held by the Respondent, **JANEAN SHAW**, to practice as a Pharm Tech in Maryland, Registration No.T08363, is hereby **SUMMARILY SUSPENDED**; and it is 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; and it is further

ORDERED that the Respondent shall immediately turn over to the Board her wall certificate and wallet-sized registration to practice as a Pharm Tech issued by the Board; and it is further

ORDERED that this document constitutes an Order of the Board and is a public document for purposes of public disclosure, as required by Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2014 Vol. and 2017 Supp.).



Deena Speights-Napata, Executive Director
Maryland 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.