

IN THE MATTER OF	*	BEFORE THE
TARIA SHIRD, PHARM TECH	*	STATE BOARD
Registration No.: T11164	*	OF
Respondent	*	PHARMACY
	*	Case No. PT-16-022

\* \* \* \* \*

**FINAL ORDER OF REVOCATION  
OF PHARMACY TECHNICIAN'S REGISTRATION**

On September 20, 2017, the State Board of Pharmacy (the "Board"), notified TARIA SHIRD, Pharmacy Technician (Pharm Tech), the Respondent, of its Intent to Revoke her pharmacy technician registration.

The Notice also informed the Respondent that, unless she requested a hearing in writing within 30 days of receipt of said Notice, the Board would sign the Final Order, which was enclosed. More than 30 days have elapsed and the Respondent failed to timely request a hearing. Therefore, this revocation is final.

The Board bases its action on the Respondent's violation of the following provisions of the Act:

**HO § 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;
- (22) Pleaded guilty or nolo contendere to, or has been found guilty of, a felony or a crime involving moral turpitude, regardless of whether:

- (i) An adjudication of guilt or sentencing or imposition of sentence is withheld; or
  - (ii) Any appeal or other proceeding is pending regarding the matter;
- (24) Is disciplined by a licensing, registering, or disciplinary authority of any state or country or convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes;
- (27) Participates in any activity that is grounds for Board action under § 12-313 or § 12-409 of this title [;].

With respect to Health Occ. II § 12-213, the underlying grounds for Board action under § 12-313 include:

- (25) Violates any rule or regulation adopted by the Board [;].

The pertinent provision of the Board's regulations under Code Md. Regs. ("COMAR") 10.34.10, Pharmacist, Pharmacy Intern, and Pharmacy Technician Code of Conduct, provides:

.01 Patient Safety and Welfare.

B. A pharmacist may not:

- (3) Engage in unprofessional conduct.

**FACTS THAT WARRANT  
THE REVOCATION OF THE RESPONDENT'S REGISTRATION**

1. At all times relevant hereto, the Respondent was registered to practice as a Pharm Tech in Maryland. The Respondent was first registered on July 17, 2012. The Respondent's registration expires on September 30, 2017.

2. At all times relevant hereto, the Respondent was employed as a Pharm Tech at a grocery chain pharmacy in Baltimore County, Maryland, hereinafter the

"Pharmacy."<sup>1</sup>

3. On or about February 24, 2016, the Board received a report from the Pharmacy indicating that the Respondent was terminated from employment on February 22, 2016 for theft of cash and diversion of a controlled substance.

4. According to the report, on February 16, 2016, personnel at the Pharmacy were alerted to a possible internal fraud case.

5. As a result, the pharmacy discovered an overage of \$13 on the pharmacy register from February 15, 2016. The pharmacy conducted a video review of several "no receipt" refund transactions to ensure that customers received the correct amount of cash back on refunds.

6. On February 15, 2016, the Asset Protection Associate reviewed the video and observed that the Respondent completed several refunds without a receipt and that no customer or merchandise was present for these refunds.

7. The Asset Protection Associate further observed on video that the Respondent set cash in the far left compartment of the cash till, and at the end of her shift, while counting down her register, the Respondent reached into the left compartment of the cash till, picked up the cash from the refunds, folded it in her hand, and placed it into her pants pocket.

8. The Asset Protection Associate contacted the Asset Protection Manager about her findings and a detailed investigation was opened into the incident.

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<sup>1</sup>For confidentiality purposes, the names of pharmacies and all individuals referenced herein will not be identified by name in this document.

9. The Asset Protection Manager discovered that the Respondent committed the same type of refund fraud on February 2, 6, 8, 9, 15 and 18, 2016, with losses totaling \$1200.

10. On February 22, 2016, the Asset Protection Manager interviewed the Respondent, who admitted to the theft of the cash and also admitted to taking six bottles of Promethazine<sup>2</sup> cough syrup with codeine so that a friend could sell them illegally on the street.

11. The Respondent executed a written statement admitting to both thefts.

12. As a result of the thefts, the Respondent was terminated from employment from the Pharmacy on February 22, 2016.

13. The Pharmacy filed a Drug Enforcement Administration (DEA) "Report of Theft or Loss of Controlled Substances" form, as required. The Report listed the following substances taken:

Promethazine-Codeine, 10 mg-6.25mg/5 ml/20 ml;

Promethazine-Codeine, 5 mg-10 mg-6.25 mg/5 ml.

14. Based upon the above, on May 12, 2016, the Board issued an Order for Summary Suspension in which it summarily suspended the Respondent's registration. The Respondent failed to request a hearing and did not contest the Order.

15. As a result of the thefts, the Respondent was charged in the Circuit Court for Baltimore County with the following:

Count 1: CDS-Distribute;

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<sup>2</sup>Codeine is a narcotic, a pain reliever, and a cough suppressant. Promethazine is an antihistamine that blocks the effects of the naturally occurring chemical histamine in the body. The combination of codeine and promethazine is used to treat cold or allergy symptoms such as runny nose, sneezing, and cough.

Count 2: CDS Poss-not Marijuana;

Count 3: Theft: \$1,000 to under \$10, 000;

Count 4: Theft: Less \$100.

16. On October 13, 2016, the following occurred with regard to the Charges:

- A. Counts 1 and 4 were nolle prossed;<sup>3</sup>
- B. Count 2: The Respondent pled guilty to CDS Possession—not marijuana. She was given Probation Before Judgment (PBJ) pursuant to 6-220.<sup>4</sup> The Respondent was placed on supervised Probation for 18 months; ordered to attend and complete drug treatment; and, submit to random testing. All items seized were ordered forfeited to the forfeiting authority. A judgment of restitution was ordered to be filed and paid through Parole and Probation within 18 months. Fines, costs and supervision fees were waived;
- C. Count 3: Theft \$100-10,000: The Respondent pled guilty and was given a PBJ pursuant to § 6-220. She was ordered to perform community service.

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<sup>3</sup>*Nolle prosequi* n. Latin for "we shall no longer prosecute," which is a declaration made to the judge by a prosecutor in a criminal case either before or during trial, meaning the case against the defendant is being dismissed.

<sup>4</sup>Maryland Criminal Procedure § 6-220 "Probation before judgment" means that the defendant will plead guilty to a certain charge, but that guilty finding will immediately be "put on a shelf," where it will remain for a certain amount of time. The time will be determined by the amount of time the Court places the Defendant on probation. In most cases, it is a period of one or two years. The probation portion of a PBJ can be either supervised or unsupervised. Depending on the seriousness of the charge, the Defendant's record, and other relevant factors, the Judge will decide whether or not to require that the probation be supervised. If it is supervised, the Defendant will be required to "check-in" with a probation agent at regular intervals, and follow all of the usual requirements that come with being on probation.

17. The Respondent's conduct, as set forth above constitutes a violation of Health Occ. II §12-6B-09 (3), (22), (24) and (27) and Health Occ. II § 12-313(25), and COMAR 10.34.10.01 B (3).

**CONCLUSIONS OF LAW**

18. Based upon the foregoing Findings of Fact, the Board concludes that the Respondent violated §12-6B-09 HO §12-6B-09 3), (22), (24) and (27) and Health Occ. II § 12-313(25), and COMAR 10.34.10.01 B (3).


**ORDER**

As set forth above, the Board hereby Orders, that the registration to practice as a Pharmacy Technician in Maryland held by **TARIA SHIRD**, the Respondent, Registration No. T11164, be and is **REVOKED**, and that this Order is public, pursuant to Md. Code Ann. General Provisions §§ 4-101 *et seq.* (2014 Repl. Vol.).

**NOTICE OF RIGHT OF APPEAL**

In accordance with §12-316 of the Act and Md. Code Ann., State Government II. §§10-201, *et seq.* (2014 Replacement Vol.), you have a right to a direct judicial appeal of this decision. A petition for appeal of the Final Board Order shall be filed within thirty days from your receipt of this Final Order and shall be made in accordance with the aforesaid authority.

4/18/2018  
Date

  
Mitra Gavvani, Pharm.D., President  
State Board of Pharmacy