

**IN THE MATTER OF**  
**ANBER ROBIN SIMON,**  
**PHARMACY TECHNICIAN**  
**Registration No.: T13799,**  
**Respondent**

**\* BEFORE THE**  
**\* STATE BOARD OF**  
**\* PHARMACY**  
**\* Case No.: PT-18-002**

\* \* \* \* \*

**FINAL ORDER**

On August 21, 2019, and December 18, 2019, the State Board of Pharmacy (the “Board”) notified **ANBER ROBIN SIMON**, Pharmacy Technician, (the “Respondent”), **Registration No.: T13799**, of the Board’s intent to **REVOKE** her pharmacy technician registration, pursuant to the Maryland Pharmacy Act (the “Act”), Md. Code Ann., Health Occ. §§ 12-101 *et seq.* (2014 Repl. Vol. and 2018 Supp.).

**STATUTORY AND REGULATORY AUTHORITY**

The relevant provisions are as follows:

**Health Occ. § 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;
- (25) Violates any regulation adopted by the Board; and

- (27) Participates in any activity that is grounds for Board action under § 12-313 or § 12-409 of this title[.]

The underlying grounds for Board action under § 12-6B-09 (25) is:

**COMAR 10.34.10.:**

.01 Patient Safety and Welfare.

B. A pharmacist may not:

- (3) Engage in unprofessional conduct.

The underlying grounds for Board action under § 12-6B-09 (27) is:

Health Occ. § 12-313 (15), which prohibits a pharmacist from “Dispens[ing] any drug, device, or diagnostic for which a prescription is required without a written oral, or electronically transmitted prescription from an authorized provider.”

**FINDINGS OF FACT**

The Board makes the following Findings of Fact:

1. At all times relevant hereto, the Respondent was registered to practice as a pharmacy technician in Maryland. The Respondent was initially registered to practice as a pharmacy technician on December 12, 2013. The Respondent's registration expired on October 31, 2017.

2. At all times relevant hereto, the Respondent was employed as a pharmacy technician at a national chain pharmacy, in Prince Georges, County, Maryland, hereinafter “the Pharmacy.”<sup>1</sup>

3. On or about July 7, 2017, the Board received an email from a police agency, indicating that the Respondent was being investigated for prescription fraud and that she had been terminated from employment at the Pharmacy.

4. The Board initiated an investigation after receiving a copy, on or about July 17, 2017, of an “INITIAL NOTIFICATION OF CONTROLLED SUBSTANCE THEFT OR POTENTIALLY SIGNIFICANT LOSS” from the Pharmacy. The Notification advised: “if a loss is confirmed, we will submit a DEA-106 form; however, if it is determined that there was not a loss or that the loss was not significant, we will submit a letter of conclusion.”

5. By correspondence dated August 22, 2017, the Board received “Form DEA-106, “REPORT OF THEFT OR LOSS OF CONTROLLED SUBSTANCES,” from the Pharmacy. The lost/stolen controlled substance was identified as Promethazine-Codeine syrup<sup>2</sup> (10 MG-6.25 MG/5 ML). The report noted that the loss was due to employee pilferage. The Report included interview notes from the Pharmacy Regional Manager for Loss Prevention, hereinafter “Witness A,” who investigated this matter for the Pharmacy

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<sup>1</sup> For confidentiality purposes, the name of the Pharmacy and all individuals referenced herein will not be identified in this document, but this information will be provided to the Respondent by the Administrative Prosecutor upon request.

<sup>2</sup> Promethazine-Codeine is an oral medication that contains Promethazine an antihistamine, which relieves watery eyes, itchy nose, runny nose and sneezing, and Codeine which controls coughing. Codeine is a schedule II narcotic.

6. Witness A stated he was contacted by a Pharmacy supervisor who discovered a number of fraudulent prescriptions, which had names and birthdates but no contact information. The Pharmacy supervisor reported that the fraudulent prescriptions were all processed by the Respondent.

7. According to Witness A, the Respondent admitted to adding numbers to the physical identification numbers on the prescriptions to complete the fraudulent transactions. According to Witness A, the Respondent admitted in a written statement that she processed fraudulent prescriptions at the Pharmacy.

8. On or about July 7, 2017, Witness A prepared a series of written questions about the fraudulent prescriptions and asked the Respondent to respond in writing to the questions.

9. In response to a question, which read: “[d]uring your employment with [the Pharmacy] have you caused losses to the Company and if so how did you create the loss,” the Respondent stated, “yes, by filing fraud rx.” The Respondent admitted that she knew filling fraudulent prescriptions was against the law.

10. The Respondent also admitted that she knew and had personal relationships with some of the patients she filled fraudulent prescriptions for.

12. The Respondent was terminated from employment with the Pharmacy and the matter was reported to the Prince Georges County Police Department.

13. The Board issued a subpoena for police records regarding the incident but was informed by the Records Custodian for the Prince George’s County Police Department that there were no records of a pending criminal case involving the Respondent.

**CONCLUSIONS OF LAW**

The Respondent's theft of CDS from the Pharmacy employer as described herein violates:

Health Occ. § 12-6B-09:

- (3) Fraudulently uses a pharmacy technician's registration;
- (25) Violates any regulation adopted by the Board; and
- (27) Participates in any activity that is grounds for Board action under § 12-313 or § 12-409 of this title [.]

The underlying grounds for Board action under § 12-6B-09 (25) is:

**Code Md. Regs. ("COMAR") 10.34.10.:**

.01 Patient Safety and Welfare.

B. A pharmacist may not:

- (3) Engage in unprofessional conduct.

The underlying grounds for Board action under § 12-6B-09 (27) is:

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**ORDER**

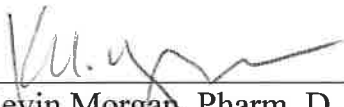
Based on the foregoing Findings of Fact and Conclusions of Law, it is this 19 day of February, 2020, by a majority of the quorum of the Board considering this case hereby:

**ORDERED** that effective the date of this Final Order, the Respondent's pharmacy technician registration, **Registration No.: T13799**, to practice as a pharmacy technician in the State of Maryland is hereby **REVOKED**;

**ORDERED** that the Respondent shall return to the Board all Board Registration documents identifying her as a registered pharmacy technician; and

**ORDERED** that this Final Order is a **PUBLIC DOCUMENT** pursuant to Md. General Provisions §§ 4-104 *et seq.* (2014).

2/19/20  
Date

  
Kevin Morgan, Pharm. D., President  
State Board of Pharmacy