

IN THE MATTER OF * BEFORE THE
GINNY A. KOLBE, PHARM TECH * STATE BOARD
Respondent * OF
Registration No.: T17287 * PHARMACY
* Case No.: PT-17-004

* * * * *

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

On July 19, 2017, the State Board of Pharmacy (the "Board"), notified **GINNY A. KOLBE**, 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 based its action on the Respondent's violation of the following provisions of its Act, Md. Code Ann., Health Occupations II (Health Occ. II) (2014 Repl. Vol.):

Heath Occ. II § 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;
- (8) Willfully fails to file or record any report that is required by law; [and]

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

With respect to HO § 12-6B-09(27), the underlying grounds for Board action under § 12-313 include:

- (25) Violates any rule for regulations 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 initially registered on November 20, 2015. The Respondent's registration expired on July 31, 2017.

2. At all times relevant hereto, the Respondent was employed as a Pharm Tech at a national chain pharmacy (the "Pharmacy") with various locations throughout Maryland.¹

3. On or about June 15, 2016, the Board received a notice from the Pharmacy reporting a theft or loss of controlled dangerous substances ("CDS"). The Pharmacy informed the Board that its investigation was ongoing.

¹For confidentially purposes, the names of pharmacies and all individuals referenced herein will not be identified by name in this document.

4. In or around August 2016, the Pharmacy notified the Board that it had completed its investigation and provided its investigative file to the Board.

5. The Pharmacy's investigation revealed that, on or about May 26, 2016, a customer (the "Customer") went to the Pharmacy to pick up a prescription for Adderall² he had requested to be filled on or about May 23, 2016, but the Pharmacy's computer system did not show that the prescription was received.

6. A review of the video footage from a closed circuit camera on May 23, 2016, showed the Respondent accepting the Customer's prescription, folding it up and placing it in her pocket.

7. On or about May 27, 2016, the Pharmacy's management staff members interviewed the Respondent regarding the Customer's prescription. During the interview, the Respondent admitted that she was in possession of the Customer's Adderall prescription slip but claimed that she did not know how it got into her pocket. The Respondent later returned the Customer's Adderall prescription slip, which was torn up and taped back together.

8. During the interview, the Respondent also admitted that, when she filled a prescription for Lyrica³, 75 mg (#90), at another Pharmacy location, she received an additional 180 tablets, which she kept.

9. Based on its investigation, the Pharmacy terminated the Respondent's employment on or about June 1, 2016.

²Amphetamine and Dextroamphetamine, the generic name of Adderall, is a Schedule II CDS used to treat attention-deficit hyperactivity disorder. It may also be used for narcolepsy.

³Lyrica, a trade name for pregabalin, is a Schedule V CDS used to control seizures and treat fibromyalgia.

10. The Respondent's actions, as described above, constitute a violation of Health Occ. II §12-6B-09 (3), (8) and (27), Health Occ. II § 12-313(25) and COMAR 10.34.10.01 B (3).

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes that the Respondent violated §12-6B-09B Health Occ. II §12-6B-09 (3), (8) and (27), 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 **GINNY KOLBE**, the Respondent, 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. Govt. II. §§10-201, *et seq.*, 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 *aforecited* authority.

10/18/17
Date


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